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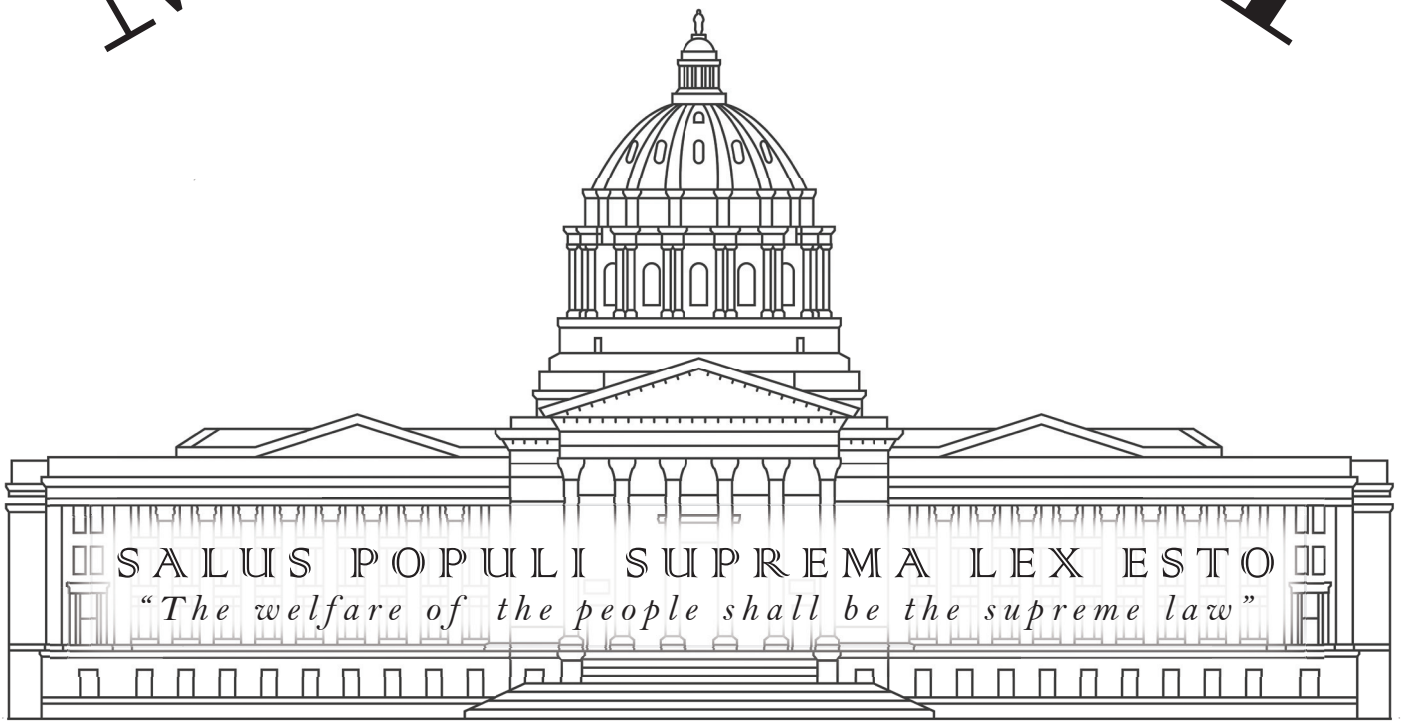
MISSOURI



REGISTER

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MISSOURI REGISTER

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Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
May 1, 2024	**June 3, 2024**	June 30, 2024	July 30, 2024
May 15, 2024	**June 17, 2024**	June 30, 2024	July 30, 2024
June 3, 2024	**July 1, 2024**	July 31, 2024	August 30, 2024
June 17, 2024	**July 15, 2024**	July 31, 2024	August 30, 2024
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February 3, 2025	**March 3, 2025**	March 31, 2025	April 30, 2025
February 18, 2025	**March 17, 2025**	March 31, 2025	April 30, 2025

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES
The rules are codified in the *Code of State Regulations* in this system–

Title	CSR	Division	Chapter	Rule
3	*Code of*	10-	4	115
Department	*State*	Agency	General area	Specific area
	Regulations	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and *Register* on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 38 – Adoption and Guardianship Subsidy

EMERGENCY AMENDMENT

13 CSR 35-38.010 Adoption and Guardianship Subsidy. The division is amending sections (1), (10), and (12)

PURPOSE: This emergency amendment is to amend sections (1), (10) and (12) to bring the rule into compliance with changes to the law and methods of administration governing the subsidized childcare program and changes on how residential treatment services are approved and administered.

EMERGENCY STATEMENT: Promulgation of this regulation is necessary to address a danger to public health, safety, and welfare of children and families who participate in Missouri's subsidy programs and because there is a compelling governmental interest in promulgating the regulation that requires an early effective date. The amendment is necessary to ensure that the criteria and procedures that Children's Division (CD) uses for deciding when subsidy children are eligible to receive treatment in residential treatment facilities are consistent with the requirements of federal and state Medicaid law and to ensure that decisions are made based on a consistent set of criteria. The regulations are designed to ensure that those children who require subsidized treatment in residential facilities will receive the residential treatment when it is necessary, while it also ensures that Missouri has legally enforceable rules to ensure that children who do not require expensive, subsidized treatment in residential facilities receive treatment in more appropriate settings.

The provisions of the regulation that amend the procedures for approving subsidized childcare are also necessary to address a compelling governmental interest. The Department of Social Services (DSS) no longer has statutory authority to promulgate regulations governing subsidized childcare, so the current regulations are ultra vires. Repeal of these provisions is necessary to eliminate confusion and any conflict in the law governing the subsidized childcare program. The Department of Elementary and Secondary Education (DESE) has promulgated regulations governing eligibility for the program that became effective on April 30, 2023, so there will not be any detrimental impact on participants in the program. There is also a compelling government interest in ensuring that children who receive the benefits of the subsidy program who require or who may require treatment in residential care facilities receive the appropriate case for the reasons discussed above.

The Department of Social Services has followed procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This amendment was promulgated with input from impacted stakeholders. The Department of Social Services posted a public announcement of the proposed rule, solicited comments, questions, and suggestions from stakeholders and held a virtual public meeting on July 15, 2023, from 10 a.m. to 12 p.m. The Department of Social Services began implementing the use of the Show-Me Healthy Kids (SMHK) program and the MO HealthNet Division's (MHD's) contractor to make medical necessity determinations in January of 2023. The department has not received any objections to these new procedures since they have been implemented. Finally, the transition of administration of the subsidized childcare program has been implemented and DSS and DESE have been coordinating their work to make a smooth transition.

*The Children's Division is promulgating the regulation in compliance with the protections extended by the **Missouri** and **United States Constitutions**. The Department of Social Services is promulgating this regulation following the procedures established in section 536.025 RSMo and is not aware of grounds for a constitutional challenge.*

*The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri** and **United States Constitutions**. The Children's Division believes that this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material is published in this issue of the **Missouri Register**. This emergency amendment was filed June 10, 2024, becomes effective June 25, 2024, and expires on February 27, 2025.*

(1) Definitions. For purposes of this section, the following terms shall mean:

[(K) Registered Childcare Provider. A license-exempt childcare provider maintaining requirements of the Children's Division to provide subsidized childcare through a registration agreement;]

*[(L)]***(K)** Relative. A person related to another by blood, adoption, or affinity within the third degree (grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin);

*[(M)]***(L)** Kinship. A person who is non-related by blood, marriage, or adoption who has a close relationship with the child or child's family (godparents, neighbors, teachers, close family friends, and fellow church members) or a person who

has a close relationship with the child or child's family and is related to the child by blood or affinity beyond the third degree; and

*[(N)]***(M)** Licensed Foster Family. A private residence of one (1) or more family members providing twenty-four- (24-) hour care to one (1) or more but less than seven (7) children who are unattended by a parent or guardian and unrelated to either foster parent by blood, marriage, or adoption and licensed through the Children's Division.

(10) Childcare.

[(A) A subsidy agreement may include childcare services as a part of the basic subsidy package for children up to age thirteen (13) when both adoptive parent(s) or guardian(s) are working or going to school. Adoptive parent(s) or guardian(s) are required to utilize a licensed and contracted or registered childcare provider. In unusual cases where the medical, behavioral, or developmental needs of the child are such that it is medically, behaviorally, or developmentally necessary for the child to receive childcare beyond age thirteen (13), the division may grant an exception and authorize payment for childcare through the adoption or guardianship subsidy agreement for children over age thirteen (13). The determination of medical, behavioral, or developmental necessity shall not be made before the child reaches the age of twelve (12) years. These requests will be considered on a case-by-case basis. The adoptive parent(s) or guardian(s) shall submit a written request to the division for continued childcare. In the request, the adoptive parent(s) or guardian(s) shall describe the medical needs and/or behaviors of the child which the parent(s) or guardian(s) believe qualifies the child for the continued childcare. The adoptive parent(s) or guardian(s) shall provide any and all information and documentation the Children's Division may determine is necessary and convenient to process the request, including, but not limited to--

1. A statement from a physician or mental health professional explaining why childcare is medically, behaviorally, or developmentally necessary;

2. A statement regarding the adoptive parent's(s') or guardian's(s') inability to locate community programs to assist with supervision of the child;

3. A statement including the hours of care needed per day or week, and anticipated duration of care shall be included in these requests;

4. The names and full contact information for all medical care providers for the child for all relevant times, including all physicians, hospitals, and clinics which have provided care, diagnosis, and treatment for the child;

5. The names and full contact information for all mental and behavioral health care providers for the child for all relevant times, including all therapists, licensed clinical social workers, psychologists, hospitals, and clinics which have provided care, diagnosis, and treatment for the child;

6. The names, addresses, and full contact information for all schools and educational institutions which provided educational services and/or assessments for the child; and

7. The names, addresses, and full contact information for any other person who may have information necessary to assess the medical, behavioral, and/or developmental needs of the child.

(B) The adoptive parent(s) or guardian(s) shall provide the Children's Division with any written authorizations to release information which the Children's Division determines is necessary and convenient to process the request.]

(A) Eligibility for subsidized childcare shall be determined by Department of Elementary and Secondary Education (DESE) and governed by the regulations of DESE.

(B) The division or child-placing agency may provide referrals to DESE or DESE's authorized representatives to apply for subsidized childcare.

(12) Additional Services--An adoption or guardianship subsidy agreement may include provisions for the Children's Division to provide the following:

(A) **The division may offer available** Intensive In-Home Services (IIS) *[may be offered]* **or other services** to the adoptive parent(s) or guardian(s) **for the family** who is in need of intervention that may reduce the risk of the child entering out-of-home care;

(B) *[Residential Care Services]* **For all existing adoption and guardianship subsidy agreements amended on or after June 4, 2024 and for all adoption and guardianship subsidy agreements executed or amended on or after June 4, 2024, payment for care and treatment of a child in a residential setting (hereinafter referred to in this regulation as "residential treatment")** (all levels) may be included in a subsidy agreement or added to the subsidy agreement through an amendment*[, but only if residential care is the least restrictive treatment setting and program appropriate to meet the child's needs.]* **only as provided in this subsection.** The amendment must be **approved and** signed by the director of the Children's Division **or the director's designee** before *[residential services may begin and]* payment for such services is made.

1. The division may approve payment, in whole or in part, for residential treatment of a child in a subsidy agreement only if all of the following criteria and conditions are met:

A. The division has determined that care and treatment of the child out of the home in a residential setting is the least restrictive setting and the program is necessary and appropriate to meet the child's needs. The division may require that the child and family exhaust all reasonably available, less restrictive treatment modalities for the child before entering into an agreement to pay residential treatment;

B. The division has determined that it is necessary for the child to receive treatment at a particular level of care in a residential setting;

C. The child has been accepted for treatment by a residential facility that is licensed by the state to provide the treatment, and the facility is either an enrolled MO HealthNet provider, an enrolled provider of the Medicaid program in the state in which the child is located, or a facility contracted with the State of Missouri for payment for the services;

D. Except as provided in subparagraph (12)(B)1.G. below, the child has received an approved prior authorization for treatment in the identified residential treatment facility. The approved prior authorization must be in writing and include a determination that the child requires residential treatment at a particular level of care to a reasonable degree of professional certainty according to the eligibility standards specified in this regulation.

(I) For children covered by a subsidy agreement, who are residents of the state of Missouri and are participants in the MO HealthNet program, the prior authorization must be provided by the MO HealthNet Division, or the provider contracted with the MO HealthNet Division to make those determinations.

(II) For children covered by a subsidy agreement who are not residents of the state of Missouri, but who

are participants in the MO HealthNet program, then the prior authorization must be provided by the MO HealthNet Division, or the managed care provider contracted with the MO HealthNet Division to make those determinations.

(III) For children who are not residents of the state of Missouri, who are not current participants in the MO HealthNet program, and are participants in another state's Medicaid program, prior authorization shall be provided by the Medicaid program from the other state.

(IV) For children who are not residents of the state of Missouri, who are not current participants in the MO HealthNet program, and are either not participants in another state's Medicaid program or the other state's Medicaid program does not pay for residential treatment then the Children's Division will use the exception procedure in subparagraph (12)(B)1.G. below to determine eligibility for subsidized residential treatment;

E. Every child receiving payment for residential treatment through a subsidy agreement shall have a current written plan of care;

F. The Children's Division will only enter into a subsidy agreement to pay for residential treatment if the facility is the closest available facility to the child's home that provides the array of services that the division determines are necessary for the child at a contract price for those services agreeable to the division;

G. In exceptional, extraordinary, and unusual circumstances, the division may, in its discretion, waive the requirement in subparagraph (12)(B)1.D. of this regulation that the child has received prior authorization for payment through a subsidy agreement residential treatment, but only if all of the following criteria are met:

(I) All of the other criteria for eligibility for payment for treatment in a residential care facility have been met;

(II) Either the adoptive parent or guardian has filed an appeal of the denial of prior authorization, or the child is a resident of a state whose Medicaid program does not include payment for the necessary residential treatment;

(III) The child's treating or examining psychiatrist, psychologist, physician, advanced practice psychiatric nurse, marital and family therapist, nurse practitioner, licensed professional counselor, or licensed clinical social worker certifies to a reasonable degree of medical certainty in writing that treatment in a residential facility at the indicated level of care is necessary. The Children's Division may at any time, in its discretion, require the child to be examined and the certification and child's records reviewed by other licensed medical professionals for an independent assessment of the medical necessity for residential treatment. The division will determine what weight shall be given to conflicting opinions of medical experts;

(IV) The division determines that funds are available to pay for the treatment in a residential facility;

(V) The duration of the waiver shall be determined as follows:

(a) In the case where the waiver was triggered by a request for administrative review of the denial of a request to approve residential treatment the waiver shall extend until the appeal has been decided on administrative review. The division may extend the waiver period if there is a request for judicial review of the administrative decision; or

(b) In the case where the waiver was necessary because the child is a resident of a state whose Medicaid program does not include payment for the necessary residential treatment, the waiver shall be subject to the continuing care reviews as provided in this regulation; or

(c) The division determines that treatment in a residential facility is no longer necessary, such as where the child is discharged from residential treatment; and

(VI) The division determines that the child may be a danger to self or others.

2. Responsibilities of the adoptive parent or guardian. The implementation of a subsidy agreement to subsidize payment for residential treatment does not and shall not absolve the adoptive parent or guardian of any and all of the duties and responsibilities that they may have toward the child under law. The fact that the Children's Division has entered into a subsidy agreement for payment for residential treatment does not mean that the child is or has been placed in the legal or physical custody of the Children's Division.

A. The adoptive parent or guardian shall be responsible for researching and exhausting all reasonably available, less restrictive, community-based care and treatment modalities before the division will approve subsidized residential treatment. The Children's Division may provide referrals and information to support the adoptive parent or guardian in that effort.

B. The adoptive parent or guardian shall remain responsible for the support of the child throughout the child's residential treatment, and making arrangements for the physical care, custody, and placement of the child when treatment in a residential care facility is no longer necessary. This duty of support shall include both financial support and exercising all duties of a parent or guardian, including but not limited to making decisions for the child, visiting the child, actively participating with the provider in all aspects of the management of the child's care and treatment, and engaging in active efforts to enable the child to return home.

C. If the adoptive parent or guardian is unable or unwilling to exercise these efforts or does not actively demonstrate a desire for the child to be returned to their home, then the division may take one (1 or more of the following actions:

(I) Decline to authorize payment for residential treatment under a subsidy agreement;

(II) Institute any available remedy for the modification or termination of the adoption or guardianship subsidy agreement, in whole or in part;

(III) Take any other action authorized by law, including a referral to the juvenile officer or the child welfare authorities of another state for investigation, assessment, or other appropriate action.

D. The adoptive parent or guardian shall provide all information and documentation that the Department of Social Services (state Medicaid agency), the state Medicaid agency's contractor, and the division determines necessary for determining eligibility, and continuing eligibility, for payment for residential treatment under a subsidy agreement. This includes but is not limited to executing Health Insurance Portability and Accountability Act (HIPAA) and Family Education Rights and Privacy Act (FERPA) compliant consents to authorize the release of all information and records that the division and the state Medicaid agency and the state Medicaid agency's contractor may deem necessary.

3. Residential treatment that is eligible for payment under a subsidy agreement.

A. The subsidy agreement may include payment on behalf of a child who is the subject of a subsidy agreement in a residential treatment facility for-

(I) The reasonable and necessary cost for room and board for the child at the rate specified in the contract between the division and the provider of residential treatment;

(II) If the division has granted a waiver as provided in subparagraph(12)(B)1.G. then the division will pay the provider the agreed upon amount for necessary residential treatment specified in the contract between the division and the provider of residential treatment; or

(III) Discharge planning. The division may, but is not required to, pay for residential treatment for a limited period of time specified in the subsidy agreement to allow the family to establish and implement the necessary in-home or community-based treatment for the child, provided that the parent and guardian exercise diligent and active efforts to implement and complete the discharge plan within the time specified in the subsidy agreement. Discharge planning extensions shall be reviewed monthly or more frequently as necessary.

B. The subsidy agreement shall not include, and the division is not required to pay through a subsidy agreement for, any one (1) or more of the following:

(I) Residential treatment and other services that are covered by MO HealthNet or the Medicaid program of any other state;

(II) Residential treatment that is covered by any policy of insurance that provides coverage for the child;

(III) Residential treatment that is not necessary;

(IV) Residential treatment that is beyond the scope of the participant's plan of care or discharge plan;

(V) Residential treatment that is available to the child through other government or privately funded programs, including but not limited to schools and school districts, community-based services, and services provided by not-for-profit and religious organizations;

(VI) Residential treatment provided after the approved length of stay or after the child is discharged from the facility;

(VII) Residential treatment on behalf of a child to a provider who does not have a contract to provide the service with the state of Missouri; or

(VIII) Residential treatment and other services that are provided by a provider who is not qualified and licensed to provide the treatment in the location where the treatment is provided.

4. Payments for residential treatment shall be made directly to the provider of the residential treatment pursuant to a contract between the state of Missouri and the provider. The adoptive parent or guardian and child shall not be a party or be a third-party beneficiary of the contract between the state of Missouri and the provider. No payments shall be made to a provider that is not currently licensed in good standing to provide the care and treatment. No payments shall be made directly to the adoptive parent or guardian. No payments shall be made to a provider who is either not an enrolled Medicaid provider or who does not have a contract with the state of Missouri to provide the service. The laws and regulations governing contracting with the state of Missouri shall govern all contracts for services under this regulation.

5. For the Children's Division to determine that residential treatment at a specific level of care is necessary, all of the criteria in subparagraphs (12)(B)5.A.-H. must be met, subject to the definition of "medical condition" specified in subparagraph (12)(B)5.I.

A. The child's medical condition must satisfy all of the eligibility requirements of 13 CSR 35-38.010(12)(B).

B. The child must have one (1) or more current diagnosed medical condition(s), injury, or illness. The diagnosis may be final or provisional.

C. The diagnosis must have been made by a medical professional who is licensed and qualified by law to make that diagnosis.

D. Care and treatment in a residential facility for the child's diagnosis meets the generally accepted standard for care and treatment for the child's diagnosed condition.

E. Care and treatment in a residential setting is not experimental and is not mainly prescribed for the convenience of the child or the child's parents or guardian.

F. Care and treatment in a residential setting is reasonably necessary to protect the life, safety, and health of the child.

G. The care and treatment is not optional or for purely cosmetic purposes.

H. Treatment at home or in a lower level of care for the medical condition has been ruled out by a medical professional who is licensed and qualified to determine whether the treatment is medically inappropriate.

I. In this regulation the phrase "medical condition" includes a diagnosed physical, psychiatric, psychological, and/or developmental condition.

6. The following documentation shall be submitted to complete both the medical necessity and prior authorization determination process:

A. A report of a full assessment by a licensed and qualified health care professional using the most recent version of the Daily Living Activities (DLA-20) assessment process and tool. If a DLA-20 assessment process and tool is not available, the division may, in its discretion, accept an assessment using an equivalent, current assessment tool, provided that the assessment and tool is evidence based, objective, generally accepted, and actually used in the medical community as a tool for assessments for care and treatment in residential facilities. The assessment must be completed by a clinician licensed in the state in which the tool is administered and who is trained and qualified to use the tool. The assessment and tool must be the most recent version of the tool as of the date of the assessment. Other tools that may be used when a DLA-20 assessment is not available may include the Level of Care Utilization System (LOCUS) for youth over age eighteen (18), the Child and Adolescent Level of Care/Service Intensity Utilization System (CALOCUS-CASII) for children aged six to eighteen (6-18), and the Early Childhood Service Intensity Instrument (ESCII) for children aged zero to five (0-5);

B. Any relevant child/youth psychiatric/behavioral health diagnoses;

C. The most recent psychiatric evaluation completed by a psychiatrist, psychologist, or advanced practice nurse, if one is available;

D. A statement detailing the rationale for residential treatment at the requested level of care;

E. Documentation of previous treatment history and outcome of treatment, if applicable and available;

F. Documentation of the name, address, telephone number, email address, and all other contact information for the adoptive parent or legal guardian of the child;

G. A discharge plan when available. Discharge planning shall start at admission and shall be continuously

developed and evaluated throughout the child's stay in residential; and

H. The child's parent or guardian shall complete and submit a CS-9 form to the best of their ability in cooperation with the assigned subsidy worker. The adoptive parent or guardian shall sign the form and certify that the information that they have provided is true, complete, and accurate to the best of their personal knowledge, information, and belief.

7. The adoptive parent or guardian shall have the burden of proof to establish by a preponderance of the evidence that the child is eligible for both initial and continuing treatment in a residential care facility at a particular level of care.

8. Except as otherwise provided elsewhere in these regulations, the division shall not approve payment for residential treatment in a residential care facility in a subsidy agreement for more than six (6) consecutive months. The Children's Division may enter into subsequent amended subsidy agreements that include payment for treatment in a residential setting following the continuing stay review procedures.

9. Continuing stay reviews. All subsidy agreements that include payment for a child in residential treatment shall be subject to continuing stay reviews.

A. The date for the first continued stay review will be included in the child's plan of care and dates for subsequent continuation in care reviews shall be included in all subsequent plans of care. The date for the first continuing stay review shall be no later than ninety (90) days from the date of the placement of the child in the facility.

B. The purpose of the continuing stay review is to determine whether ongoing treatment of the child in a residential facility is necessary and whether the child's treatment needs can be met at a lower level of care. The same procedures, standards, and criteria for initial approval for payment for residential treatment services shall apply to continuing stay reviews.

C. Documentation. The child's adoptive parent or guardian shall be responsible for ensuring that all of the documentation necessary to establish that continuing in a residential treatment setting at a specified level of care is necessary. The documentation and review shall include-

(I) The child's plan of care since the last review;

(II) The treatment team member's progress notes;

(III) The progress notes of the child's treating psychiatrist, psychologist, physician, and/or therapists;

(IV) Family therapy progress notes since the last review period, or detailed documentation to establish whether family therapy sessions are not occurring or have been excused;

(V) The medications that the child has been prescribed and taking, including any updates;

(VI) The child's discharge plan, including any details currently available and including any established outpatient providers, appointment dates and times, recommended level of care;

(VII) The efforts that the adoptive family or guardian have engaged in to participate in the child's care and treatment;

(VIII) At the request of the provider, the payer of coverage for residential treatment, the parent, guardian, or the Children's Division, completion of a new DLA-20 or equivalent assessment of medical necessity by a clinician trained and qualified to perform the assessment; and

(IX) A written certification to a reasonable degree of medical probability that continuing treatment in a residential care facility is necessary.

*[1.]***10.** Residential referral process. **The procedures in this subsection shall govern all requests for payment for services, care, and treatment in a residential setting through an adoption or guardianship subsidy agreement.**

A. At any time, the adoptive parent*[(s)]* or guardian*[(s)]* may request residential services. The division may refer the case to an IIS provider. If the **division** determines that IIS is appropriate, the **division** may provide IIS rather than residential services.

B. Community resources are to be researched by the adoptive parent*[(s)]* or guardian*[(s)]*, with the assistance of their division caseworker**, the child's care manager (if applicable)**, and efforts documented*[,]* prior to making a residential treatment referral.

C. In the event that IIS is ineffective in remedying the situation and other community resources have not produced the necessary change in the family unit and/or adoptive parent*[(s)]* or guardian*[(s)]* are *[unwilling]* **reasonably unable** to *[utilize]* **access** alternative resources to prevent placement in residential care, the adoptive parent*[(s)]* or guardian*[(s)]* must provide information necessary to evaluate the needs of the child to determine eligibility for placement in residential care.

D. The adoptive parent*[(s)]* or guardian*[(s)]* shall obtain the necessary documentation regarding the child's condition from appropriate professionals (psychological, psychiatric, etc.).

E. *[Efforts shall be made]* **The adoptive parent or guardian shall make diligent efforts** to place the child in close proximity to their home to allow involvement by the adoptive parent*[(s)]* or guardian*[(s)]* in the child's treatment.

F. The adoptive parent*[(s)]* or guardian*[(s)]* are responsible for making arrangements for actual placement into the residential facility.

[G. Once a child has been approved for residential treatment, the adoptive parent(s) or guardian(s) shall be referred to the out-of home care program. A Family Centered Services (FCS) case may be opened to provide services to work towards reintegration.

H. If the adoptive parent(s) or guardian(s) is unwilling to be a part of this process and has no desire for the child to be returned to their home, residential treatment may not be authorized through subsidy, and other permanency options shall be discussed with the family. If the child enters the custody of the Children's Division, the division will pursue child support from the adoptive parent(s) or guardian(s).]

[2. The division will not pay for residential services at a more intensive treatment level and at a higher rate unless the director of the Children's Division agrees in writing to pay for the more intensive treatment level. To request approval to pay at a higher rate for a more intensive treatment level in the residential setting—

A. The adoptive parent(s) or guardian(s) shall submit a written request and state in detail the reasons that it is necessary for the child to be placed at a more intensive treatment level. The adoptive parent(s) or guardian(s) shall provide any and all documentation that the division may require to ascertain whether the more intensive treatment level is necessary; and

B. The documentation submitted must include current records and reports which must be no more than ninety (90) days old and include an estimated discharge date and prognosis, monthly treatment summary, why a continued need for residential treatment exists, and a description of parental involvement with the facility's treatment plan;]

11. Any adoptive parent or guardian who believes

that they are aggrieved by an adverse decision regarding medical necessity or prior authorization that is made by the MO Health Division, the managed care provider contracted with the MO HealthNet Division to make that decision, or the Medicaid program of another state shall first exhaust his or her administrative and judicial remedies under that program.

(C) The provisions of this subsection shall apply to all adoption and guardianship subsidy agreements executed prior to June 4, 2024.

1. Residential care services (all levels) may be included in a subsidy agreement or added to the subsidy agreement through an amendment, but only if residential care is the least restrictive treatment setting and program appropriate to meet the child's needs. The amendment must be signed by the director of the Children's Division before payment for such services may begin. All amendments and proposed amendments covering residential care and treatment services to adoption and guardianship subsidy agreements existing prior to June 4, 2024, are governed by subsection (12)(B), above, and not this subsection.

2 Residential referral process.

A. At any time, the adoptive parent or guardian may request residential services. The division may refer the case to an IIS provider. If the division determines that IIS is appropriate, the division may provide IIS rather than residential services.

B. Community resources are to be researched by the adoptive parent or guardian, with the assistance of their division caseworker, and efforts documented, prior to making a residential treatment referral.

C. In the event that IIS is ineffective in remedying the situation and other community resources have not produced the necessary change in the family unit or the adoptive parent or guardian is unwilling to utilize alternative resources to prevent placement in residential care, the adoptive parent or guardian must provide information necessary to evaluate the needs of the child to determine eligibility for placement in residential care.

D. The adoptive parent or guardian shall obtain the necessary documentation regarding the child's condition from appropriate professionals (for example, psychological or psychiatric).

E. Efforts shall be made to place the child in close proximity to their home to allow involvement by the adoptive parent or guardian in the child's treatment.

F. The adoptive parent or guardian is responsible for making arrangements for actual placement into the residential facility.

G. Once a child has been approved for residential treatment, the adoptive parent or guardian shall be referred to the out-of-home care program. A Family Centered Services (FCS) case may be opened to provide services to work towards reintegration.

H. If the adoptive parent or guardian is unwilling to be a part of this process and has no desire for the child to be returned to their home, residential treatment may not be authorized through subsidy, and other permanency options shall be discussed with the family. If the child enters the custody of the Children's Division, the division will pursue child support from the adoptive parent or guardian.

3. The Children's Division will not pay for residential services at a more intensive treatment level and at a higher rate unless the director of the Children's Division agrees in writing to pay for the more intensive treatment level. To request approval to pay at a higher rate for a more intensive treatment level in the residential setting-

A. The adoptive parent or guardian shall submit a written request and state in detail the reasons that it is necessary for the child to be placed at a more intensive treatment level. The adoptive parent or guardian shall provide any and all documentation that the division may require to ascertain whether the more intensive treatment level is necessary; and

B. The documentation submitted must include current records and reports which must be no more than ninety (90) days old and include an estimated discharge date and prognosis, monthly treatment summary, explanation of a continued need for residential treatment, and a description of parental involvement with the facility's treatment plan.

*[(C)]***(D)** Youth with Elevated Needs Level B-A child *[shall]* **may** be placed in a Youth with Elevated Needs Level B Home if this service is determined necessary for the child by the Children's Division in conformity with the procedures and eligibility criteria set forth in 13 CSR 35-60.070 and a Level B home is available and has accepted the child for placement. The Elevated Needs Level B Home is for the purpose of treating a child's behavioral issues so they may be successfully reintegrated into the adoptive or guardianship home.

1. The adoptive parent*[(s)]* or guardian*[(s)]* are to be referred to the out-of-home care program, a voluntary case is to be opened, and services are to be offered in order to work towards reintegration into the adoptive or guardianship home.

2. Youth with Elevated Needs Level B placements may be authorized for only six (6) months at a time. Upon the sixth month, the need for placement and level of care must be reviewed in a Family Support Team (FST) meeting.

3. An amendment requesting funding for Youth with Elevated Needs Level B placements shall be submitted to the division for approval. The amendment must be signed by the director of the Children's Division before Youth with Elevated Needs Level B services may begin and payment for such services made.

4. With regard to agency liability of an adopted or guardianship child voluntarily placed in a Youth with Elevated Needs Level B placement, any legally recognized parent (biological or adoptive parent*[(s)]* or guardian*[(s)]*) is liable for the actions of his/her child as long as that adoptive parent*[(s)]* or guardian*[(s)]* have not been relieved of legal custody. If the division does not have legal custody of a child, the division is not liable for the child;

*[(D)]***(E)** Respite. Adoptive parent*[(s)]* or guardian*[(s)]* may receive respite as a special service on a case-by-case basis through subsidy when a documented need exists to age eighteen (18). Respite care shall be provided according to any regulations promulgated by the division governing respite care.

1. The adoptive parent*[(s)]* or guardian*[(s)]* shall provide a letter requesting this service describing in detail the child's need for respite.

2. All paid receipts submitted for reimbursement must be submitted within one hundred eighty (180) days of the service being provided.

3. Respite shall be approved in accordance with maintenance approval; if a child receives traditional maintenance to age eighteen (18), respite may be approved to age eighteen (18) as well. If a child receives medical or Youth with Elevated Needs Level A maintenance to age eighteen (18) due to their condition being such that they are not expected to improve, respite may also be approved to age eighteen (18).

However, if medical or Youth with Elevated Needs Level A maintenance is only approved for a two- (2-) year time period, respite should only be approved for two (2) years; and

*[(E)]***(F)** If the child has a disabling condition as defined by the Americans with Disabilities Act, the Children's Division within its discretion may include in an adoption or guardianship subsidy agreement a provision to pay for minor modifications of the residence of the child or vehicle used to transport the child under the following conditions:

1. The modification must be necessary for the child to effectively function in the home or vehicle;

2. The adoptive parent*[(s)]* or guardian*[(s)]* must be unable to acquire these services independent of the subsidy and have exhausted all available private and public community resources;

3. All expenses, modifications, and services shall be approved for payment pursuant to procurement laws and regulations including but not limited to 1 CSR 40-1.010 through 1 CSR 40-1.090; and

4. The division will pay for the least expensive, appropriate alternative to meet the needs of the child.

*AUTHORITY: section**s** [453.073, RSMo Supp. 2009, sections 210.506 and 453.074, RSMo 2000]* ***207.020.1(5), 453.073, 453.074, 536.010(6), and 660.017, RSMo 2016,*** *and Young v. Children's Division, State of Missouri Department of Social Services, 284 S.W.3d 553 (Mo. 2009). Original rule filed March 1, 2010, effective Oct. 30, 2010. Emergency amendment filed June 10, 2024, effective June 25, 2024, and expires Feb. 27, 2025. A proposed amendment covering the same material is published in this issue of the* ***Missouri Register****.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars ($500) in the time the emergency is effective.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2232 – Missouri State Committee of Interpreters
Chapter 1 – General Rules

EMERGENCY AMENDMENT

20 CSR 2232-1.040 Fees. The State Committee of Interpreters is amending section (1).

PURPOSE: This emergency amendment increases 2024 Interpreters renewal fees to ensure compliance with section 209.332, RSMo.

EMERGENCY STATEMENT: The State Committee of Interpreters is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of sections 209.319 to 209.339, RSMo. Pursuant to section 209.332, RSMo, the committee shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of sections 209.319 to 209.339, RSMo. Based on the board's five (5)-year projections, the board is proposing to increase the renewal, inactive and reactivation fees. The committee is proposing to increase the renewal fee from sixty dollars ($60) to eighty dollars ($80). The inactive fee will increase from thirty dollars ($30) to forty dollars ($40) and the reactivation fee will increase from thirty dollars ($30) to forty dollars ($40).

Interpreter licenses expire January 31, 2025. Renewal notices will be mailed on November 1, 2024. Without this emergency amendment, the increased renewal fees will not be effective prior to mailing and the committee would not collect the additional revenue needed to maintain solvency. In developing this emergency amendment, the committee has determined that the fee increase is necessary for the 2024 renewal period in order to maintain an adequate fund balance necessary to administer the provisions of sections 209.319 to 209.339, RSMo.

Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be increased by emergency rule. A proposed amendment, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The State Committee for Interpreters believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 13, 2024, becomes effective Sept. 1, 2024, and expires Jan. 31, 2025.*

20 CSR 2232-1.040 Fees

(1) The following fees are established and are payable in the form of a cashier's check, personal check, or money order:

(B) Annual License Renewal *[Fee*	*$ 60]* **$ 80**
[1. Effective December 1, 2018 through November 30, 2019	*$ 40]*
(D) Inactive *[Fee*	*$ 30]* **$ 40**
(E) Reactivation *[Fee*	*$ 30]* **$ 40**
[1. Effective December 1, 2018 through November 30, 2019	*$ 10]*

AUTHORITY: sections 209.328.2(2) and 324.039, RSMo 2016, and section 43.543, RSMo Supp. ***[2018] 2023****. This rule originally filed as 4 CSR 232-1.040. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the* ***Code of State Regulations****. Emergency filed June 13, 2024, effective Sept. 1, 2024, expires Jan. 31, 2025. A proposed amendment covering this same material is published in this issue of the* ***Missouri Register****.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will cost private entities an estimated seventeen thousand fifty dollars ($17,050) in the time the emergency is effective.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance
Division 2232—Missouri State Committee of Interpreters
Chapter 1 - General Rules
Proposed Amendment to 20 CSR 2232-1.040 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated costs for the life of the rule by affected entities:
850	Renewal Fee (Fee Increase @ $20)	$17,000
4	Inactive Fee (Fee Increase @ $10)	$40
1	Reactivation Fee (Fee Increase @ $10)	$10
	In the Time the Emergency is Effective	**$17,050**

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five (5) year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five (5) year analysis, the board voted to increase fees.
2. Actual revenue increases may vary based on renewal, inactive, and reactivation applications
3. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 209.319 to 209.339, RSMo. Pursuant to section 209.328, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 209.328, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the division for administering the provisions of sections 209.319 to 209.339, RSMo.

The text of proposed rules and changes will appear under this heading. A notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This explanation is set out in the PURPOSE section of each rule. A citation of the legal authority to make rules is also required, and appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules that are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close-of-comments date will be used as the beginning day in the ninety- (90-) day count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice, file a new notice of proposed rulemaking, and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

TITLE 5–DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20–Division of Learning Services
Chapter 500–Office of Adult Learning and Rehabilitation Services

PROPOSED AMENDMENT

5 CSR 20-500.130 Confidentiality and Release of Information. The State Board of Education is amending the purpose statement and sections (1), (2), and (3), adding section (5), and adding material incorporated by reference.

PURPOSE: This amendment reflects the correction of the service provider name, corrects the internal citation, updates language in accordance with federal regulation, and incorporates by reference applicable federal regulations.

*PURPOSE: This rule establishes the procedures for release of information and confidentiality of applicants and/or eligible individuals [for the State Board of Education] through [the] **Vocational Rehabilitation,** Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and [the Code of Federal Regulations] 34 CFR section 361.38.*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

[(1) Information about an applicant or eligible individual will not be released without the individual's written permission except in the following situations when it directly relates to the applicant's or eligible individual's rehabilitation program and is necessary to provide services:

(A) Name, addresses, Social Security number, phone numbers, educational/work histories, and income information to other state agencies that vocational rehabilitation (VR) has a cooperative agreement with, including but not limited to, the Departments of Elementary and Secondary Education, Higher Education, Labor and Industrial Relations, Mental Health, Social Services, the Division of Workforce Development, and school districts; and/or

(B) Information about an applicant or eligible individual to community rehabilitation programs; and/or

(C) Information about an applicant or eligible individual to medical care service providers; and/or

(D) As authorized in the federal act and/or applicable regulations.]

(1) Information about an applicant or eligible individual is safeguarded and will not be released without the individual's or representative's written permission except in the following situations:

(A) Information will be released in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, and in response to an order by a judge or other authorized judicial officer; and

(B) To protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

(2) An applicant's or an eligible individual's refusal to *[release]* **provide** information *[may affect the individual's eligibility to receive services or]* may result in the denial of services.

(3) Information from an individual's file must be requested in writing **by the individual or the individual's representative**.

(A) Upon the determination that information is harmful to the individual, information will not be released **directly** to the individual but will be released to court-appointed representatives or a third party chosen by the individual including an advocate, an adult member of the individual's family, or a qualified medical or mental health professional.

[(B) Information will be released in response to a law enforcement investigation, fraud, or abuse, and in response to an order by a judge or other authorized judicial officer.

(C) To protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.]

(5) 34 CFR Part 361.38 is hereby incorporated by reference and made part of this rule as published by the U.S. Government Publishing Office, 732 N. Capitol Street NW, Washington, DC 20401-0001, June 2024. Copies of this regulation can also be obtained from the Department of Elementary and Secondary Education, Office of Adult Learning and Rehabilitation Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section**s** 161.092, [RSMo Supp. 2013, and sections] 178.600, 178.610, and 178.620, RSMo [2000] **2016**. This rule previously filed as 5 CSR 90-4.110. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.130, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014, effective Aug. 30, 2014. Amended: Filed June 14, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Chris Clause, Ph.D., Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109, or by email to info@vr.dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.*

TITLE 5–DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20–Division of Learning Services
Chapter 500–Office of Adult Learning and Rehabilitation Services

PROPOSED AMENDMENT

5 CSR 20-500.170 Appeals. The State Board of Education is amending the purpose statement and section (1), adding section (5), and adding material incorporated by reference.

PURPOSE: This amendment adds the service provider name, corrects the internal citation, updates language, and incorporates by reference applicable federal regulations.

*PURPOSE: This rule establishes the procedures for appeal by an applicant or eligible individual dissatisfied with a determination made regarding the provision of services by [the] **Vocational Rehabilitation,** Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended [, 29 USC section 701 et. seq. and the Code of Federal Regulations,] **and** 34 CFR section 361.57.*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) An applicant or eligible individual will be informed of their right to a due process hearing and/or mediation *[if they are determined ineligible for services, when the Individualized Plan for Employment (IPE) is executed or if there is a reduction, suspension, or cessation of vocational rehabilitation (VR) services.]*–

(A) Upon application for vocational rehabilitation (VR) services;

(B) If they are determined ineligible for services;

(C) Assigned to a category in the order of selection;

(D) When the Individualized Plan for Employment (IPE) is developed or executed; or

(E) If there is a reduction, suspension, or cessation of VR services.

(5) 34 CFR section 361.57 is hereby incorporated by reference and made part of this rule as published by the U.S. Government Publishing Office, 732 N. Capitol Street NW, Washington, DC 20401-0001, in June 2024. Copies of this regulation can also be obtained from the Department of Elementary and Secondary Education, Office of Adult Learning and Rehabilitation Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section**s** 161.092, [RSMo Supp. 2013, and sections] 178.600, 178.610, and 178.620, RSMo [2000] **2016**. This rule previously filed as 5 CSR 90-4.400. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.170, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014, effective Aug. 30, 2014. Amended: Filed June 14, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Chris Clause, Ph.D., Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109, or by email to info@vr.dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.*

TITLE 5–DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20–Division of Learning Services
Chapter 500–Office of Adult Learning and Rehabilitation Services

PROPOSED AMENDMENT

5 CSR 20-500.180 Informal Review. The State Board of Education is amending the purpose statement, sections (1), (2), and (4), adding section (6), and adding material incorporated by reference.

PURPOSE: This amendment adds the service provider name, clarifies language, corrects the internal citation, and incorporates by reference applicable federal regulations.

*PURPOSE: This rule establishes the procedures for informal review of a decision made by [the] **Vocational Rehabilitation,** Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, [29 USC section 701 et. seq.]* and *[the Code of Federal Regulations] **34 CFR Part 361.57(c)**.*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The applicant or eligible individual may request an informal review in writing **or verbally** to the respective district office supervisor.

(2) The district supervisor or regional manager will conduct an informal review within twenty (20) *[working]* days from receipt of the applicant's or eligible individual's request.

(4) If the informal review is not successful, a formal due process hearing will be conducted within sixty (60) days from the applicant or eligible individual's *[written]* request for informal review unless both parties agree to a specified time extension.

(6) 34 CFR Part 361.57(c) is hereby incorporated by reference and made part of this rule as published by the U.S. Government Publishing Office, 732 N. Capitol Street NW, Washington, DC 20401-0001, in June 2024. Copies of this regulation can also be obtained from the Department of Elementary and Secondary Education, Office of Adult Learning and Rehabilitation Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section**s** 161.092, [RSMo Supp. 2013, and sections] 178.600, 178.610, and 178.620, RSMo [2000] **2016**. This rule previously filed as 5 CSR 90-4.410. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003. Moved to 5 CSR 20-500.180, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014, effective Aug. 30, 2014. Amended: Filed June 14, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Chris Clause, Ph.D., Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109, or by email to info@vr.dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.*

TITLE 5–DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20–Division of Learning Services
Chapter 500–Office of Adult Learning and Rehabilitation Services

PROPOSED AMENDMENT

5 CSR 20-500.190 Due Process Hearing. The State Board of Education is amending the purpose statement, sections (2) and (4), adding section (14), and adding material incorporated by reference.

PURPOSE: This amendment adds the service provider name, corrects the internal citation and contact office name, updates language, and incorporates by reference applicable federal regulations.

*PURPOSE: This rule establishes the procedures for due process hearings for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by **[the] Vocational Rehabilitation**, Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, [29 USC section 701 et. seq.] and [the Code of Federal Regulations,] 34 CFR section 361.57(e), (f), and (g).*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) An applicant or eligible individual may request a due process hearing in writing or by personally contacting the *[v]***V**ocational *[r]***R**ehabilitation (VR) *[consumer affairs office]* **Central Office**.

(4) A hearing will be held within sixty (60) days of the request unless **an informal resolution or a mediation agreement is achieved prior to the sixtieth day or** the applicant, the eligible individual, or VR requests **and agrees to** a specified time extension.

(14) 34 CFR section 361.57(e), (f), and (g) is hereby incorporated by reference and made part of this rule as pub-

lished by the U.S. Government Publishing Office, 732 N. Capitol Street NW, Washington, DC 20401-0001, in June 2024. Copies of this regulation can also be obtained from the Department of Elementary and Secondary Education, Office of Adult Learning and Rehabilitation Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section**s** 161.092, [RSMo Supp. 2013, and sections] 178.600, 178.610, and 178.620, RSMo [2000] **2016**. This rule previously filed as 5 CSR 90-4.420. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003. Moved to 5 CSR 20-500.190, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014, effective Aug. 30, 2014. Amended: Filed June 14, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Chris Clause, Ph.D., Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109, or by email to info@vr.dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.*

TITLE 5–DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20–Division of Learning Services
Chapter 500–Office of Adult Learning and Rehabilitation Services

PROPOSED AMENDMENT

5 CSR 20-500.200 Mediation. The State Board of Education is amending the purpose statement and section (1), adding section (8), and adding material incorporated by reference.

PURPOSE: This amendment adds the service provider name, corrects the internal citation and contact office name, and incorporates by reference applicable federal regulations.

*PURPOSE: This rule establishes the procedures for mediation for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by [the] **Vocational Rehabilitation**, Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, [29 USC section 701 et. seq.] and [the Code of Federal Regulations,] 34 CFR section 361.57(d).*

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The applicant or eligible individual may request mediation regarding disputes involving any determination by *[the v]* **V**ocational *[r]***R**ehabilitation (VR) that affects the provision of services. This request may be made in writing or by contacting the VR *[consumer affairs office]* **Central Office**. Mediation will be held within sixty (60) days of the request unless **an informal resolution is achieved prior to the sixtieth day or** both parties agree to a specified time extension. Mediation is voluntary on the part of both the individual and VR.

(8) 34 CFR Part 361.57(d) is hereby incorporated by reference and made part of this rule as published by the U.S. Government Publishing Office, 732 N. Capitol Street NW, Washington, DC 20401-0001, in June 2024. Copies of this regulation can also be obtained from the Department of Elementary and Secondary Education, Office of Adult Learning and Rehabilitation Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section**s** 161.092, [RSMo Supp. 2013, and sections] 178.600, 178.610, and 178.620, RSMo [2000] **2016**. This rule previously filed as 5 CSR 90-4.430. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.200, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014, effective Aug. 30, 2014. Amended: Filed June 14, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Chris Clause, Ph.D., Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109, or by email to info@vr.dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.*

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 10 – Air Conservation Commission
Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The commission is proposing to amend the purpose and sections (1), (3), and (7)–(9).

PURPOSE: This amendment updates the fees for facilities applying for and receiving construction permits for air pollution sources beginning January 1, 2026. The amendment also removes the ability for facilities to apply for and receive voluntary permits.

PURPOSE: This rule defines sources required to obtain permits to construct. It establishes[:] requirements to be met prior to construction or modification of any sources; [a procedure for a source to voluntarily obtain a permit for implementing practically enforceable conditions;] a procedure for the permitting authority to issue general permits; permit fees; and public notice requirements for certain permits.

(1) Applicability.

[(B) Voluntary Permit. An installation in Missouri may obtain a permit under this rule in order to acquire voluntary, enforceable limits.]

*[(C)]***(B)** Exempt Construction or Modification. No construction permit is necessary for construction or modification of installations when—

1. The entire construction or modification is exempt or excluded by 10 CSR 10-6.061;

2. Construction or modification is permitted under 10 CSR 10-6.062; or

3. Original construction or modification occurred prior to May 13, 1982. Any construction or modification that occurs after this date is not exempt.

*[(D)]***(C)** Construction and Operation Prohibited Prior to Permitting. Owners or operators shall obtain a permit from the permitting authority, except as allowed under subsection (1)*[(E)]***(D)** of this rule, prior to any of the following activities:

1. The beginning of actual construction or modification of any installation subject to this rule;

2. Operation after construction or modification; or

3. Operation of any emission unit that has been permanently shutdown.

*[(E)]***(D)** Construction Allowed Prior to Permitting. A Pre-Construction Waiver may be obtained with authorization of the director by sources not subject to review under section (7), (8), or (9) of this rule, or sources seeking federally enforceable permit restrictions to avoid review under section (7), (8), or (9) of this rule.

1. A complete request for authorization includes*[:]*—

A. A signed waiver of any state liability;

B. A complete list of the activities to be undertaken; and

C. The applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application.

2. A request will not be granted unless an application for permit approval under this rule has been filed or if the start of actual construction has occurred.

(3) Application and Permit Procedures.

(H) Fees.

1. All installations or source operations requiring permits under this rule must submit the application with a permit filing fee to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to subsection (3)(D) of this rule.

2. Upon receipt of an application for a permit or a permit amendment, a permit processing fee begins to accrue per hour of actual staff time. In lieu of the per-hour processing fee for relocation of portable plants subject to paragraph (4)(D)1. of this rule, a flat fee as specified in paragraph (3)(H)9. of this rule must be submitted by the applicant.

3. The permitting authority, upon request, will notify the applicant in writing if the permit processing fee approaches two thousand dollars ($2,000) and in two-thousand-dollar ($2,000) increments after that.

4. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority will notify the applicant in writing of the final determination and the total permit processing fees due. The amount of the fee will be determined in accordance with paragraph (3)(H)9. of this rule.

5. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees will have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest has been paid.

6. Partially processed permits that are withdrawn after submittal are charged at the same processing fee rate in paragraph (3)(H)9. of this rule for the time spent processing the application.

7. The applicant shall pay for any publication of notice required and pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, for any hearing required under this rule. No permit is issued until all publication and transcript costs have been paid.

8. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

9. Permit fees. **Prior to January 1, 2026, permit fees are as follows:**

Permit Application Type	Rule Section Reference	Filing Fee	Processing Fee
Portable Source Relocation Request	(4)	$300	----
Minor	(5)	$250	$75/hr
General Permit	(6)	$700	----
New Source Review (NSR)	(7)	$5,000	$75/hr
Prevention of Significant Deterioration (PSD)	(8)	$5,000	$75/hr
xHAP	(9)	$5,000	$75/hr
Initial Plantwide Applicability Limit (PAL)	(7) or (8)	$5,000	$75/hr
Renewal PAL	(7) or (8)	$2,500	$75/hr
Temporary/Pilot	(10)	$250	$75/hr
Permit Amendment	(11)	----	$75/hr

Effective January 1, 2026, permit fees are as follows:

Permit Application Type	Rule Section Reference	Filing Fee	Processing Fee
Portable Source Relocation Request	(4)	$300	----
Minor	(5)	$300	$100/hr
General Permit	(6)	$700	----
New Source Review (NSR)	(7)	$6,000	$100/hr
Prevention of Significant Deterioration (PSD)	(8)	$6,000	$100/hr
xHAP	(9)	$6,000	$100/hr
Initial Plantwide Applicability Limit (PAL)	(7) or (8)	$6,000	$100/hr
Renewal PAL	(7) or (8)	$3,500	$100/hr
Temporary/Pilot	(10)	$250	$100/hr
Permit Amendment	(11)	----	$100/hr

10. No later than three (3) business days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(7) Nonattainment Area Major Permits.

(A) Definitions. Solely for the purposes of this section, the following definitions apply to terms in place of definitions for which the term is defined elsewhere, including the reference to 40 CFR 52.21 in paragraph (7)(B)6. of this rule:

1. Chemical process plant—These plants include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System codes 325193 or 312140; and

2. The following terms defined under paragraphs (a)(1)(iv) through (vi) and (x) of 40 CFR 51.165 promulgated as of July 1, *[2018]* **2023**, are hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions:

A. Major stationary source;

B. Major modification, except that any incorporated provisions that are stayed shall not apply. The term major, as used in this definition, means major for the nonattainment pollutant;

C. Net emissions increase; and

D. Significant.

(C) Permit Requirements. Permits to construct a new major stationary source for the nonattainment pollutants, or for a major modification to an existing major stationary source of nonattainment pollutants, must meet the following to be issued:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained to ensure reasonable further progress toward attainment of the applicable NAAQS and consistent with the requirements of paragraphs (a)(3) and (a)(9) of 40 CFR 51.165 promulgated as of July 1, *[2018]* **2023**, and hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions;

2. In the case of a new or modified installation located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone for which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels exceeding the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with paragraph (7)(C)1. and with the banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;

5. Temporary installation and portable sources are exempt from this section provided that the source applies best available control technology (BACT) for each pollutant emitted in a significant amount;

6. The applicant provides documentation establishing that all installations in Missouri*[, which]* **that** are owned or operated by the applicant*[.]* (or by any entity controlling, controlled by, or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

7. Permit applications include a control technology evaluation to demonstrate that any new major stationary source or major modification will meet the lowest achievable emission rate (LAER) for all new or modified emission units, unless otherwise provided in this section;

8. Any new major stationary source or major modification to be constructed in an area designated nonattainment complies with LAER as determined by the director and set forth in the construction permit pursuant to this section, except where otherwise provided in this section;

9. The applicant provides an alternate site analysis; and

10. The applicant provides an analysis of impairment to visibility in any Class I area (those designated in 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial, and other growth associated with the installation or major modification.

(8) Attainment and Unclassified Area Major Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority, promulgated as of July 1, *[2018]* **2023**, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**.

This rule does not incorporate any subsequent amendments or additions.

(9) Major Case-by-Case Hazardous Air Pollutant Permits. Case-by-case permits must meet the requirements of 40 CFR 63, subpart B promulgated as of July 1, *[2018]* **2023**, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions. Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

*AUTHORITY: section**s** 643.050[, RSMo 2016] **and 643.079, RSMo Supp. 2023**. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 13, 2024.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions two thousand five hundred thirteen dollars ($2,513) in FY 2026. For the years after FY 2026, the total annual cost is five thousand twenty-five dollars ($5,025) for the life of the rule.

PRIVATE COST: This proposed amendment will cost private entities forty thousand one hundred eighty-three dollars ($40,183) in FY 2026. For the years after FY 2026, the total annual cost is eighty thousand three hundred sixty-five dollars ($80,365) for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9 a.m., Aug. 29, 2024. The public hearing will be held at Burr Oak Woods Conservation Area, 1401 NW Park Rd., Blue Springs, MO, and online with live video conferencing during the Missouri Air Conservation Commission meeting. Meeting participants can join the video meeting via https://dnr.mo.gov/calendar/event/244681. Participants may also join the meeting by phone using the toll number 1-650-479-3207. For assistance joining the meeting, call the Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817 or (800) 361-4827. A recording of the public hearing will be available at https://dnr.mo.gov/commissions-boards-councils/air-conservation-commission. Opportunity to be sworn in by the court reporter in person, over video, or by phone to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5 p.m., Sept. 5, 2024. Send online comments via the proposed rules web page at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN, email comments to apcprulespn@dnr.mo.gov, or mail written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	*10 CSR 10-6.060 Construction Permits Required*
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
2,054 Total Facilities of which 124 are Public Entities (See Table D.)	$5,025 Annualized Aggregate $25,125 For Projected 5-Year Life

III. WORKSHEET

The following Construction Permits Fee Information and Table A includes combined public and private entity proposed fee adjustment information presented at the Feb 8, 2024, fee stakeholder meeting.

Construction Permit Fee Information

Current Revenue from Construction Permit Review Fees (Latest Available) = $227,449
Current Construction Permit Review Fee (Per Hour) = $75
Proposed Construction Permit Review Fee (Per Hour) = $100

Current Revenue from De Minimis and Minor Source Construction Permit Filing Fees (3-Year Average) = $37,917
Current De Minimis and Minor Source Construction Permit Filing Fee = $250
Proposed De Minimis and Minor Source Construction Permit Filing Fee = $300

Current Revenue from Major Source Construction Permit Filing Fees (3-Year Average) = $3,333
Current Major Source Construction Permit Filing Fee = $5,000
Proposed Major Source Construction Permit Filing Fee = $6,000

Current Revenue from Permit Applicability Limit Renewal Fees (3-Year Average) = $1,667
Current Permit Applicability Limit Renewal Fee = $2,500
Proposed Permit Applicability Limit Renewal Fee = $3,500

Table A: Combined Public and Private Projected Revenue

Fiscal Year	Type of Fee	Number of Permits/ Applications/ Hours	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2026(1/1 - 6/30/26)	Permit Review Fee	1,516	$151,600	$113,700	$37,900
2026 (1/1 - 6/30/26)	De Minimis/Minor/Temporary Permit Filing Fee	76	$22,800	$19,000	$3,800
2026 (1/1 - 6/30/26)	Major Permit Filing Fee	0.5	$3,000	$2,500	$500
2026 (1/1 - 6/30/26)	Permit Applicability Limit Renewal (PAL)	0.5	$1,750	1250	$500
2027	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2027	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2027	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2027	Permit Applicability Limit Renewal (PAL)	1	$3,500	2500	$1,000

2028	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2028	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2028	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2028	Permit Applicability Limit Renewal (PAL)	1	$3,500	$2,500	$1,000
2029	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2029	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2029	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2029	Permit Applicability Limit Renewal (PAL)	1	$3,500	$2,500	$1,000
2030	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2030	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2030	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2030	Permit Applicability Limit Renewal (PAL)	1	$3,500	$2,500	$1,000
2031 (7/1 - 12/31/31)	Permit Review Fee	1,516	$151,600	$113,700	$37,900
2031 (7/1 - 12/31/31)	De Minimis/Minor/Temporary Permit Filing Fee	76	$22,800	$19,000	$3,800
2031 (7/1 - 12/31/31)	Major Permit Filing Fee	0.5	$3,000	$2,500	$500
2031 (7/1 - 12/31/31)	Permit Applicability Limit Renewal (PAL)	0.5	$1,750	$1,250	$500
Cost projected over 5 years				$1,364,500	$427,000

The following two tables contain only public entity proposed fee adjustment information.

Table B: Public Entity Projected Total Permit Fees Collected (with new fees)

	Public Entity Projected Total Permit Fees Collected (with new fees)						
	FY 2026 (1/1 - 6/30/26)	**FY2027***	**FY2028**	**FY2029**	**FY2030**	**FY2031 (7/1 - 12/31/31)**	**5-Year Cost**
Number of Permit Review Hours	92	183	183	183	183	92	--
Fees Collected	$9,150	$18,300	$18,300	$18,300	$18,300	$9,150	$91,500
Number of De Minimis or Minor Construction Permit Applications	5	9	9	9	9	5	--
Fees Collected	$1,350	$2,700	$2,700	$2,700	$2,700	$1,350	$13,500
Number of Major Construction Permit Applications	0	0	0	0	0	0	--
Fees Collected	$0	$0	$0	$0	$0	$0	$0
Number of Permit Applicability Limit Renewals	0	0	0	0	0	0	--
Fees Collected	$0	$0	$0	$0	$0	$0	$0
					Total Fees With New Fee		$105,000

Table C: Public Entity Projected Total Permit Fees Collected (with existing fees)

	Public Entity Projected Total Permit Fees Collected (with existing fees)						
	FY 2026 (1/1 - 6/30/25)	**FY2027***	**FY2028**	**FY2029**	**FY2030**	**FY2031 (7/1 - 12/31/31)**	**5-Year Cost**
Number of Permit Review Hours	92	183	183	183	183	92	--
Fees Collected	$6,863	$13,725	$13,725	$13,725	$13,725	$6,863	$68,625
Number of De Minimis or Minor Construction Permit Applications	4.5	9	9	9	9	4.5	--
Fees Collected	$1,125	$2,250	$2,250	$2,250	$2,250	$1,125	$11,250
Number of Major Construction Permit Applications	0	0	0	0	0	0	--
Fees Collected	$0	$0	$0	$0	$0	$0	$0
Number of Permit Applicability Limit Renewals	0	0	0	0	0	0	--
Fees Collected	$0	$0	$0	$0	$0	$0	$0
					Total Fees With Existing Fee		$79,875

5-Year Aggregate Increase in Construction Permit Fee Amount Collected	$25,125
Annualized Aggregate Construction Permit Fee Cost For This Amendment**	$5,025

*The first full fiscal year for this rulemaking is 2027.
**Difference in estimated annualized aggregate costs when raising construction permit fees as follows:
Permit Review >> $75 fee to $100.
De Minimis and Minor Permit >> $250 fee to $300.
Major Permit >> $5,000 fee to $6,000.
Plantwide Applicability Limit (PAL) renewal >> $2,500 fee to $3,500.

Table D: Public Entities with an Air Permit

Major Group SIC Code	SIC Description	Entities with Air Permits
49	ELECTRIC, GAS, AND SANITARY SERVICES	79
82	EDUCATIONAL SERVICES	11
92	JUSTICE, PUBLIC ORDER AND SAFETY	10
80	HEALTH SERVICES	9
97	NATIONAL SECURITY AND INTERNATIONAL AFFAIRS	5
45	TRANSPORTATION BY AIR	3
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY & TRANSPORT EQUIPMENT	2
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES	1
75	AUTOMOTIVE REPAIR, SERVICES AND PARKING	1
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT & RELATED SERVICES	1
91	EXECUTIVE, LEGISLATIVE & GENERAL GOVERNMENT, EXCEPT FINANCE	1
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
TOTAL		124

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The estimated number of facilities affected by this rulemaking listed in part II and Table D is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. The total number of active facilities with an air permit recorded in the MoEIS as of October 18, 2023, is 2,054, of which 124 are public entities. Since it is not possible to know with any certainty which existing or new facilities will obtain construction permits in the future, we are using the universe of operating facilities with active air permits as a representation of the potentially affected sources and types of industry. Table D shows the number of facilities by industry type in the state that could be affected by the proposed permit fee increase if a facility needs a construction permit. An existing facility could need a construction permit for modifications and may obtain multiple construction permits throughout the life of the business. A new facility would need a construction permit to begin construction. Additional industries not listed in the Table D could be affected if a facility representing an industry new to the state constructs.

3. The Construction Permits Fee Information and Table A reflect combined public and private entity information in order to be consistent with the department's budget information.

4. Construction permit review fees are based on a $100 per hour fee effective January 1, 2026. This fee represents a $25 increase from the fee of $75 per hour prior to January 1, 2026. Review fees also apply to amended and temporary permits in addition to de minimis, minor, and major construction permits.

5. De mimimis and minor permit filing fees are based on $300 per filing effective January 1, 2026. This fee represents a $50 increase from the fee of $250 per filing prior to January 1, 2026.

6. Major permit filing fees are based on $6,000 per filing effective January 1, 2026. This fee represents a $1,000 increase from the fee of $5,000 per filing prior to January 1, 2026.

7. Permit applicability limit renewal fees are based on $3,500 per renewal effective January 1, 2026. This fee represents a $1,000 increase from the fee of $2,500 per filing prior to January 1, 2026.

8. The numbers for each type of permit in Table A were obtained from records maintained by the Air Pollution Control Program permits section and then averaging for 3 years to account for normal fluctuation from year to year. This figure was broken down into categories of de minimis/minor/temporary and major based on the average annual number of construction permit applications by type received during FY2021-2023. The number of review hours was calculated using the same method of dividing total annual revenue by the $75 per hour review fee and then averaging three years. Fiscal years 2020 through 2022 were used for the three-year averages. For the purpose of this fiscal note, these averages are assumed to remain constant through fiscal year 2030.

9. Fee collection amounts for FY2025 through 2030 are based on a yearly average of 3,033 construction permit review hours of which 183 are estimated to be public entities and 2,849 are estimated to be private entities; 152 de minimis and minor permits of which 9 are estimated to be public entities and 143 are estimated to be private entities; and 1 major permit per year which is estimated to be a private entity, but it is possible for a public entity to need a major construction permit. The numbers of private versus public entities is based on data from MoEIS as of October 18, 2023.

10. The fees collected are uniformly distributed throughout the fiscal years.

11. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

12. Note that some numbers in the tables appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	10 CSR 10-6.060 Construction Permits Required
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule action:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the proposed rule action by the affected entities:
2,054 Total Facilities of which 1,930 are Private Entities (See Table D)	See Table D	$80,365 Annualized Aggregate $401,826 For Projected 5-Year Life

III. WORKSHEET

The following Construction Permits Fee Information and Table A includes combined public and private entity proposed fee adjustment information presented at the Feb 8, 2024, fee stakeholder meeting.

Construction Permit Fee Information

Current Revenue from Construction Permit Review Fees (Latest Available) = $227,449
Current Construction Permit Review Fee (Per Hour) = $75
Proposed Construction Permit Review Fee (Per Hour) = $100

Current Revenue from De Minimis and Minor Source Construction Permit Filing Fees (3-Year Average) = $37,917
Current De Minimis and Minor Source Construction Permit Filing Fee = $250
Proposed De Minimis and Minor Source Construction Permit Filing Fee = $300

Current Revenue from Major Source Construction Permit Filing Fees (3-Year Average) = $3,333
Current Major Source Construction Permit Filing Fee = $5,000
Proposed Major Source Construction Permit Filing Fee = $6,000

Current Revenue from Permit Applicability Limit Renewal Fees (3-Year Average) = $1,667
Current Permit Applicability Limit Renewal Fee = $2,500
Proposed Permit Applicability Limit Renewal Fee = $3,500

Table A: Combined Public and Private Projected Revenue

Fiscal Year	Type of Fee	Number of Permits/ Applications/ Hours	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2026 (1/1 - 6/30/26)	Permit Review Fee	1,516	$151,600	$113,700	$37,900
2026 (1/1 - 6/30/26)	De Minimis/Minor/Temporary Permit Filing Fee	76	$22,800	$19,000	$3,800
2026 (1/1 - 6/30/26)	Major Permit Filing Fee	0.5	$3,000	$2,500	$500
2026 (1/1 - 6/30/26)	Permit Applicability Limit Renewal (PAL)	0.5	$1,750	1250	$500

2027	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2027	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2027	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2027	Permit Applicability Limit Renewal (PAL)	1	$3,500	2500	$1,000
2028	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2028	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2028	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2028	Permit Applicability Limit Renewal (PAL)	1	$3,500	$2,500	$1,000
2029	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2029	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2029	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2029	Permit Applicability Limit Renewal (PAL)	1	$3,500	$2,500	$1,000
2030	Permit Review Fee	3,032	$303,200	$227,400	$75,800
2030	De Minimis/Minor/Temporary Permit Filing Fee	152	$45,600	$38,000	$7,600
2030	Major Permit Filing Fee	1	$6,000	$5,000	$1,000
2030	Permit Applicability Limit Renewal (PAL)	1	$3,500	$2,500	$1,000
2031 (7/1 - 12/31/31)	Permit Review Fee	1,516	$151,600	$113,700	$37,900
2031 (7/1 - 12/31/31)	De Minimis/Minor/Temporary Permit Filing Fee	76	$22,800	$19,000	$3,800
2031 (7/1 - 12/31/31)	Major Permit Filing Fee	0.5	$3,000	$2,500	$500
2031 (7/1 - 12/31/31)	Permit Applicability Limit Renewal (PAL)	0.5	$1,750	$1,250	$500
Cost projected over 5 years			1,791,500	$1,364,500	$427,000

The following two tables contain only private entity proposed fee adjustment information.

Table B: Private Entity Projected Total Permit Fees Collected (with new fees)

	Private Entity Projected Total Permit Fees Collected (with new fees)						
	FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY2031 (7/1 - 12/31/31)	5-Year Cost
Number of Permit Review Hours	1424	2,849	2,849	2,849	2,849	1424	--
Fees Collected	$142,448	$284,896	$284,896	$284,896	$284,896	$142,448	$1,424,479
Number of De Minimis or Minor Construction Permit Applications	71	143	143	143	143	71	--
Fees Collected	$21,424	$42,847	$42,847	$42,847	$42,847	$21,424	$214,236
Number of Major Construction Permit Applications	0.5	1	1	1	1	0.5	--
Fees Collected	$3,000	$6,000	$6,000	$6,000	$6,000	$3,000	$30,000
Number of Permit Applicability Limit Renewals	0.5	1	1	1	1	0.5	--
Fees Collected	$1,750	$3,500	$3,500	$3,500	$3,500	$1,750	$17,500
					Total Fees With New Fee		$1,686,215

Table C: Private Entity Projected Total Permit Fees Collected (with existing fees)

	Private Entity Projected Total Permit Fees Collected (with existing fees)						
	FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY2031 (7/1 - 12/31/31)	5-Year Cost
Number of Permit Review Hours	1424	2,849	2,849	2,849	2,849	1424	--
Fees Collected	$106,836	$213,672	$213,672	$213,672	$213,672	$106,836	$1,068,359
Number of De Minimis or Minor Construction Permit Applications	71	143	143	143	143	71	--
Fees Collected	$17,853	$35,706	$35,706	$35,706	$35,706	$17,853	$178,530
Number of Major Construction Permit Applications	0.5	1	1	1	1	0.5	--
Fees Collected	$2,500	$5,000	$5,000	$5,000	$5,000	$2,500	$25,000
Number of Permit Applicability Limit Renewals	0.5	1	1	1	1	0.5	--
Fees Collected	$1,250	$2,500	$2,500	$2,500	$2,500	$1,250	$12,500
					Total Fees With Existing Fee		$1,284,389

Annualized Aggregate Construction Permit Fee Cost For This Amendment**	$80,365
5-Year Aggregate Increase in Construction Permit Fee Amount Collected	$401,826

*The first full fiscal year for this rulemaking is 2027.
**Difference in estimated annualized aggregate costs when raising construction permit fees as follows:
Permit Review >> $75 fee to $100.
De Minimis and Minor Permit >> $250 fee to $300.
Major Permit >> $5,000 fee to $6,000.
Plantwide Applicability Limit (PAL) renewal >> $2,500 fee to $3,500.

Table D: Private Entities with an Air Permit

Major Group SIC Code	SIC Description	Entities with Air Permits
14	MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS	358
32	STONEY, CLAY, GLASS, AND CONCRETE PRODUCTS	304
51	WHOLESALE TRADE - NONDURABLE GOODS	169
28	CHEMICALS AND ALLIED PRODUCTS	119
49	ELECTRIC, GAS, AND SANITARY SERVICES	116
29	PETROLEUM REFINERIES AND RELATED INDUSTRIES	104
72	PERSONAL SERVICES	98
20	FOOD AND KINDRED PRODUCTS	90
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	57
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY & TRANSPORT EQUIPMENT	57
30	RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS	54
37	TRANSPORTATION EQUIPMENT	54
33	PRIMARY METAL INDUSTRIES	37
7	AGRICULTURAL SERVICES	36
35	INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT	35
80	HEALTH SERVICES	33
27	PRINTING, PUBLISHING AND ALLIED INDUSTRIES	26
36	ELECTRONIC, ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT	18
50	WHOLESALE TRADE - DURABLE GOODS	17
26	PAPER AND ALLIED PRODUCTS	15
42	MOTOR FREIGHT TRANSPORTATION	14
73	BUSINESS SERVICES	13
25	FURNITURE AND FIXTURES	12
46	PIPELINES, EXCEPT NATURAL GAS	11
75	AUTOMOTIVE REPAIR, SERVICES AND PARKING	9
44	WATER TRANSPORTATION	9
10	METAL MINING	8
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	7
82	EDUCATIONAL SERVICES	7
48	COMMUNICATIONS	5
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT & RELATED SERVICES	5
76	MISCELLANEOUS REPAIR SERVICES	5
31	LEATHER AND LEATHER PRODUCTS	4
12	COAL MINING	3
17	CONSTRUCTION - SPECIAL TRADE CONTRACTORS	3
47	TRANSPORTATION SERVICES	2
38	MEDICAL/ANALYTICAL/CONTROL INSTRUMENTS; PHOTO/MEDICAL/OPTICAL GOODS; WATCH/CLOCKS	2
1	AGRICULTURAL PRODUCTION - CROPS	1
16	HEAVY CONSTRUCTION, EXCEPT BUILDING CONSTRUCTION - CONTRACTORS	1
22	TEXTILE MILL PRODUCTS	1
23	APPAREL, FINISHED PRODUCTS FROM FABRICS & SIMILAR MATERIALS	1
40		1
41	LOCAL, SUBURBAN TRANSIT & INTERSUBURBAN HIGHWAY PASSENGER TRANSPORT	1
45	TRANSPORTATION BY AIR	1
57	RETAIL-HOME FURNITURE, FURNISHINGS & EQUIPMENT STORES	1
60	DEPOSIT BANKING	1

62	SECURITY & COMMODITY BROKERS, DEALERS, EXCHANGES & SERVICES	1
65	REAL ESTATE	1
70	HOTELS, ROOMING HOUSES, CAMPS & OTHER LODGING PLACES	1
79	AMUSTMENT AND RECREATION SERVICES	1
TOTAL		1930

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The estimated number of facilities affected by this rulemaking listed in part II and Table D is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. The total number of active facilities with an air permit recorded in the MoEIS as of October 18, 2023, is 2,054, of which 1,930 are private entities. Since it is not possible to know with any certainty which existing or new facilities will obtain construction permits in the future, we are using the universe of operating facilities with active air permits as a representation of the potentially affected sources and types of industry. Table D shows the number of facilities by industry type in the state that could be affected by the proposed permit fee increase if a facility needs a construction permit. An existing facility could need a construction permit for modifications and may obtain multiple construction permits throughout the life of the business. A new facility would need a construction permit to begin construction. Additional industries not listed in Table D could be affected if a facility representing an industry new to the state constructs.

3. The Construction Permits Fee Information and Table A reflect combined public and private entity information in order to be consistent with the department's budget information.

4. Construction permit review fees are based on a $100 per hour fee effective January 1, 2026. This fee represents a $25 increase from the fee of $75 per hour prior to January 1, 2026. Since the stakeholder meeting on Nov. 16, 2023, the Air Program received additional stakeholder input resulting in lowering the previously discussed $150 hourly review fee to $100. Review fees also apply to amended and temporary permits in addition to de minimis, minor, and major construction permits.

5. De mimimis and minor permit filing fees are based on $300 per filing effective January 1, 2026. This fee represents a $50 increase from the fee of $250 per filing prior to January 1, 2026.

6. Major permit filing fees are based on $6,000 per filing effective January 1, 2026. This fee represents a $1,000 increase from the fee of $5,000 per filing prior to January 1, 2026.

7. Permit applicability limit renewal fees are based on $3,500 per renewal effective January 1, 2026. This fee represents a $1,000 increase from the fee of $2,500 per filing prior to January 1, 2026.

8. The numbers for each type of permit in Table A were obtained from records maintained by the Air Pollution Control Program permits section and then averaging for 3 years to account for normal fluctuation from year to year. This figure was broken down into categories of de minimis/minor/temporary and major based on the average annual number of construction permit applications by type received during FY2021-2023. The number of review hours was calculated using the same method of dividing total annual revenue by the $75 per hour review fee and then averaging three years. Fiscal years 2021 through 2023 were used for the three-year averages. For the purpose of this fiscal note, these averages are assumed to remain constant through fiscal year 2030.

9. Fee collection amounts for FY2025 through 2030 are based on a yearly average of 3,033 construction permit review hours of which 183 are estimated to be public entities and 2,849 are estimated to be private entities; 152 de minimis and minor permits of which 9 are estimated to be public entities and 143 are estimated to be private entities; and 1 major permit per year which is estimated to be a private entity, but it

is possible for a public entity to need a major construction permit. The numbers of private versus public entities is based on data from MoEIS as of October 18, 2023.

10. The fees collected are uniformly distributed throughout the fiscal years. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

11. Note that some numbers in the tables appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 10 – Air Conservation Commission
Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.065 Operating Permits. The commission is proposing to amend sections (1), (2), (4), and (5).

PURPOSE: This proposed amendment removes sections relating to emergency affirmative defense in order to comply with EPA's Title V Operating Permit Program regulations. Effective August 21, 2023, EPA has removed the emergency affirmative defense provisions located in 40 CFR 70.6(g), requiring state permitting programs to amend their Title V programs. This amendment also sets permitting fees for calendar year 2026 and beyond and updates materials incorporated by reference.

(1) Applicability.

(B) Exempt Installations and Emission Units. The following installations and emission units are exempt from the requirements of this rule unless such units are part 70 or intermediate installations or are located at part 70 or intermediate installations. Emissions from exempt installations and emission units shall be considered when determining if the installation is a part 70 or intermediate installation:

1. Any installation that obtains a permit solely because it is subject to 10 CSR 10-6.070(7)(AAA) Standards of Performance for New Residential Wood Heaters;

2. Any installation that obtains a permit solely because it is subject to 10 CSR 10-6.241 or 10 CSR 10-6.250;

3. Single or multiple family dwelling units for not more than three (3) families;

4. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

5. Equipment used for any mode of transportation;

6. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations. 40 CFR 122.23 promulgated as of July 1, *[2018]* **2023,** is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions;

7. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

8. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

9. Equipment or control equipment which eliminates all emissions to the ambient air;

10. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

11. Residential wood heaters, cookstoves, or fireplaces;

12. Laboratory equipment used exclusively for chemical and physical analysis or experimentation is exempt, except equipment used for controlling radioactive air contaminants;

13. Recreational fireplaces;

14. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

15. Combustion equipment that –

A. Emits only combustion products;

B. Produces less than one hundred fifty (150) pounds per day of any air contaminant; and

C. Has a maximum rated capacity of –

(I) Less than ten (10) million British thermal units (Btus) per hour heat input by using exclusively natural or liquefied petroleum gas, or any combination of these; or

(II) Less than one (1) million Btus per hour heat input;

16. Office and commercial buildings, where emissions result solely from space heaters using natural gas or liquefied petroleum gas with a maximum rated capacity of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

17. Any country grain elevator that never handles more than 1,238,657 bushels of grain during any twelve- (12-)*[-]* month period and is not located within an incorporated area with a population of fifty thousand (50,000) or more. A country grain elevator is defined as a grain elevator that receives more than fifty percent (50%) of its grain from producers in the immediate vicinity during the harvest season. This exemption does not include grain terminals which are defined as grain elevators that receive grain primarily from other grain elevators. To qualify for this exemption, the owner or operator of the facility shall retain monthly records of grain origin and bushels of grain received, processed**,** and stored for a minimum of five (5) years to verify the exemption requirements. Monthly records must be tabulated within seven (7) days of the end of the month. Tabulated monthly records shall be made available immediately to Missouri Department of Natural Resources' representatives for an announced inspection or within three (3) hours for an unannounced visit;

18. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

19. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo; and

20. Any asphaltic concrete plant, concrete batching plant, or rock crushing plant that can be classified as a portable equipment installation by meeting the portable equipment requirements of*[,]* or having a portable equipment permit according to 10 CSR 10-6.060.

(2) Definitions.

(I) Designated representative – A responsible individual authorized by the owner or operator of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with 40 CFR 72, subpart B to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term responsible official is used in 40 CFR 70, in this rule, or in any other regulations implementing Title V of the Act, it shall be deemed to refer to

the designated representative with regard to all matters under the Acid Rain Program. 40 CFR 72, subpart B promulgated as of July 1, *[2017]* **2023,** is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions.

(4) Intermediate State Operating Permits.

(B) Permit Notification/Applications.

1. Timely notification/applications.

A. All notifications/applications will be submitted in duplicate. Intermediate installations shall file initial notifications/applications on the following schedule:

(I) Subsequent application.

(a) Any installation that becomes subject to this section shall file a complete application no later than ninety (90) days after the commencement of operations.

(b) If an installation already has an issued part 70 operating permit, the installation is subject to the requirements of the part 70 operating permit and intermediate application until the intermediate permit is issued and the part 70 operating permit is terminated;

(II) Renewal application. Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months;

(III) Unified review. An installation subject to this section required to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and that, in writing, has not chosen to undergo unified review*[,]* shall file a complete operating permit application, permit amendment, or modification application separate from the construction permit application within ninety (90) days after commencing operation;

(IV) Application/notification expirations.

(a) Installations that have an active initial or renewal application with a receipt stamp shall –

I. Be deemed to have submitted the initial or renewal application; and

II. Submit a renewal application, as identified in paragraph (4)(B)3. of this rule, six to eighteen (6–18) months prior to the expiration date of the permit issued according to subsection (4)(E) of this rule;

(b) Installations that have an accepted notification shall submit a renewal application as identified in paragraph (4)(B)3. of this rule, six to eighteen (6–18) months prior to the expiration date; and

(c) Installations that have an initial or renewal notification – accepted or with a receipt stamp, but that is expired – shall still submit a renewal application as identified in paragraph (4)(B)3. of this rule; and

(V) Notwithstanding the deadlines established in this subsection, a complete initial notification/application filed at any time shall be accepted for processing.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (4)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations, and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain –

(a) Information specified in paragraph (4)(B)3. of this rule for those products, processes, operations, and emissions –

I. That are not addressed in the existing permit;

II. That are subject to applicable requirements which are not addressed in the existing permit; or

III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in parts (5)(B)3.I.(I)–(IV) and subparagraph (5)(B)3.J. of this rule.

C. Confidential information. An applicant may make claims of confidentiality pursuant to 10 CSR 10-6.210, for information submitted pursuant to this section. The applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. The filing fee is determined using a tiered system based on the complexity of the permit. The total filing fee is the base fee added to the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. This tiered system for calculating the operating permit filing fee applies to initial and renewal applications for permits. **Beginning January 1, 2026, filing fees for Intermediate operating permits change in accordance with Table 1 of this subsection.** To calculate the application filing fee, use the following formula: Total filing fee = (base fee) + (total additional complexity fee)

Where:
Total filing fee = amount due upon filing of operating permit application, not to exceed six thousand **five hundred** dollars ($*[6,000]* **6,500**) (regardless of calculated amount)*[.]*
Base fee = determine using Table 1
Total additional complexity fee = determine using Table 2

Table 1: Base fee

Number of Emission Units	Base Fee **(prior to January 1, 2026)**	**Base Fee (beginning January 1, 2026)**
0 to 30	$750	**$1,250**
31 to 60	$1,000	**$1,500**
61 to 90	$1,250	**$1,750**
Over 91	$1,500	**$2,000**

Table 2: Worksheet for installation additional complexity fee calculations

Complexity Category	Calculation				
	Number per installation	x	Fee	=	Additional complexity fee subtotal
New Source Performance Standard (NSPS)	_____	x	$1,000	=	_____
Maximum Achievable Control Technology (MACT)	_____	x	$1,500	=	_____
National Emissions Standards for Hazardous Air Pollutants (NESHAP)	_____	x	$1,500	=	_____
Compliance Assurance Monitoring (CAM)	_____	x	$1,000	=	_____
Confidentiality Request	_____	x	$500	=	_____
Acid Rain	_____	x	$500	=	_____
Total additional complexity fee					$

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. The permitting authority shall prepare and make available to all intermediate installations subject to this section an operating permit application form(s). The operating permit application form(s) shall require a general description of the installation and the installation's processes and products, emissions-related information, and all applicable emission limitations and control requirements for each emissions unit at the installation to be permitted. The notification also shall require a statement of the installation's compliance status with respect to these requirements and a commitment regarding the installation's plans to either attain compliance with these requirements within the time allowed by law or maintain compliance with these requirements during the operating permit period. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan, and compliance certification as identified in subparagraphs (5)(B)3.A.–H., parts (5)(B)3.I.(I)–(IV) and subparagraph (5)(B)3.J. of this rule.

4. Certification by responsible official. Any application form, report, or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

5. Single, multiple, or general permits. Pursuant to section (4) of this rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emission units in the installation. An installation may comply with this subsection through any one (1) of the methods identified in *[paragraphs]* **subsections** (3)(A)–(3)(D) of this rule.

(5) Part 70 Operating Permits.

(B) Permit Applications.

1. Duty to apply.

A. Timely application.

(I) A complete initial application filed at any time shall be accepted for processing. However, acceptance of an application does not relieve the applicant of his/her liability for submitting an untimely application.

(II) An installation subject to this section required to meet section 112(g) of the Act, or to have a construction permit under 10 CSR 10-6.060 may submit a complete application for an operating permit or permit modification for concurrent processing as a unified review. An operating permit application submitted for concurrent processing shall be submitted with the applicant's construction permit application, or at a later time as the permitting authority may allow, provided that the total review period does not extend beyond eighteen (18) months. An installation that is required to obtain a construction permit under 10 CSR 10-6.060 and who, in writing, has not chosen to undergo unified review*[,]* shall file a complete operating permit application, permit amendment, or modification application separate from the construction permit application within twelve (12) months after commencing operation.

(III) Installations subject to this section shall file complete applications for renewal of the operating permits at least six (6) months before the date of permit expiration. In no event shall this time be greater than eighteen (18) months.

B. Complete application.

(I) The permitting authority shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (5)(B)3. of this rule.

(II) If the permitting authority does not notify the installation within sixty (60) days after receipt that its application is not complete, the application shall be deemed complete. However, nothing in this subsection shall prevent the

permitting authority from requesting additional information that is reasonably necessary to process the application.

(III) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall be provided to the applicant along with the notice of incompleteness.

(IV) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request this additional information be in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response.

(V) In submitting an application for renewal of an operating permit, the applicant may identify terms and conditions in the previous permit that should remain unchanged, and may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment or modification applications) that describe products, processes, operations, and emissions to which those terms and conditions apply. The applicant must identify specifically and list which portions of the previous permit or applications, or both, are incorporated by reference. In addition, a permit renewal application must contain –

(a) Information specified in paragraph (5)(B)3. of this rule for those products, processes, operations, and emissions –

I. That are not addressed in the existing permit;

II. That are subject to applicable requirements which are not addressed in the existing permit; or

III. For which the applicant seeks permit terms and conditions that differ from those in the existing permit; and

(b) A compliance plan and certification as required in subparagraphs (5)(B)3.I. and J. of this rule.

C. Confidential information. If an applicant submits information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210, the applicant shall also submit a copy of this information directly to the administrator, if the permitting authority requests that the applicant do so.

D. Filing fee. The filing fee is determined using a tiered system based on the complexity of the permit. The total filing fee is the base fee added to the sum of all applicable complexity fee items the facility is subject to at the time the permit application is submitted. This tiered system for calculating the operating permit filing fee applies to initial and renewal applications for permits. **Beginning January 1, 2026, filing fees for Part 70 operating permits change in accordance with Table 1 of this subsection.** To calculate the application filing fee, use the following formula:

Total filing fee = (base fee) + (total additional complexity fee)

Where:

Total filing fee = amount due upon filing of operating permit application, not to exceed six thousand **five hundred** dollars (*$[6,000]* **6,500**) (regardless of calculated amount)*[.]*

Base fee = determine using Table 1

Total additional complexity fee = determine using Table 2

Table 1: Base fee

Number of Emission Units	Base Fee **(prior to January 1, 2026)**	**Base Fee (beginning January 1, 2026)**
0 to 30	$750	**$1,250**
31 to 60	$1,000	**$1,500**
61 to 90	$1,250	**$1,750**
Over 91	$1,500	**$2,000**

Table 2: Worksheet for installation additional complexity fee calculations

Complexity Category	Calculation				
	Number per installation	x	Fee	=	Additional complexity fee subtotal
New Source Performance Standard (NSPS)	_____	x	$1,000	=	_____
Maximum Achievable Control Technology (MACT)	_____	x	$1,500	=	_____
National Emissions Standards for Hazardous Air Pollutants (NESHAP)	_____	x	$1,500	=	_____
Compliance Assurance Monitoring (CAM)	_____	x	$1,000	=	_____
Confidentiality Request	_____	x	$500	=	_____
Acid Rain	_____	x	$500	=	_____
Total additional complexity fee					$

2. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts, or who has submitted incorrect information in a permit application, upon becoming aware of this failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to issuance or validation of the permit, whichever is later.

3. Standard application form and required information. An applicant shall submit an application package consisting of the standard application form, emission inventory questionnaire, compliance plan, and compliance certification. The application package must include all information needed to determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted, except for insignificant activities. An activity cannot be listed as insignificant if the activity has an applicable requirement. The installation shall provide a list of any insignificant activities that are exempt because of size or production rate. Any insignificant activity required to be listed in the application also must list the approximate number of activities included (for example, twenty (20) leaky valves) and the estimated quantity of emissions associated. The application must include any other information, as requested by the permitting authority, to determine the insignificant activities have no applicable requirements. Information reported in the permit application which does not result in the specification of any permit limitation, term, or condition with respect to that information (including, but not limited to, information

identifying insignificant activities)*[,]* shall not in any way constrain the operations, activities, or emissions of a permitted installation, except as otherwise provided in this section. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two- (2-)*[-]*digit Standard Industrial Classification Code (SIC)), including those associated with any reasonably anticipated operating scenarios identified by the applicant;

C. Emissions-related information. The following emissions-related information on the emissions inventory forms:

(I) All emissions of pollutants for which the installation is a part 70 source, and all emissions of any other regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by section (5) of this rule. The installation shall submit additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the installation;

(II) Identification and description of all emissions units whose emissions are included in part (5)(B)3.C.(I) of this rule, in sufficient detail to establish the applicability of any and all requirements;

(III) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) The following information to the extent needed to determine or regulate emissions including*[:]* fuels, fuel use, raw materials, production rates, and operating schedules;

(V) Identification and description of air pollution control equipment;

(VI) Identification and description of compliance monitoring devices or activities;

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated air pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height credit limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in parts (5)(B)3.C.(I)–(VIII) of this rule is based;

D. Air pollution control information. The following air pollution control information:

(I) Citation and description of all applicable requirements; and

(II) Description of, or reference to, any applicable test method for determining compliance with each applicable requirement;

E. Applicable requirements information. Other specific information required under the permitting authority's regulations to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements;

F. Alternative emissions limits. If the SIP allows an installation to comply through an alternative emissions limit or means of compliance, the applicant may request that such an alternative limit or means of compliance be specified in the permit. The applicant must demonstrate that any such alternative is quantifiable, accountable, enforceable, and based on replicable procedures. The applicant shall propose permit terms and conditions to satisfy these requirements in the application;

G. Proposed exemptions. An explanation of any proposed exemptions from otherwise applicable requirements;

H. Proposed reasonably anticipated operating scenarios. Additional information, as determined necessary by the permitting authority, to define reasonably anticipated operating scenarios identified by the applicant for emissions trading or to define permit terms and conditions implementing operational flexibility;

I. Compliance plan. A compliance plan that contains all of the following:

(I) A description of the compliance status of the installation with respect to all applicable requirements;

(II) A description as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis; and

(c) For any applicable requirements with which the installation is not in compliance at the time of permit issuance, a narrative description of how the installation will achieve compliance with these requirements;

(III) A compliance schedule as follows:

(a) For applicable requirements with which the installation is in compliance, a statement that the installation will continue to comply with these requirements;

(b) For applicable requirements that will become effective during the permit term, a statement that the installation will comply with these requirements on a timely basis. A statement that the installation will comply in a timely manner with applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement; and

(c) A schedule of compliance for all applicable requirements with which the installation is not in compliance at the time of permit issuance, including a schedule of remedial measures and an enforceable sequence of actions, with milestones, leading to compliance. (This compliance schedule shall resemble and be equivalent in stringency to that contained in any judicial consent decree or administrative order to which the installation is subject);

(IV) For installations required to have a schedule of compliance under subpart (5)(B)3.I.(III)(c) of this rule, a schedule for the submission of certified progress reports no less frequently than every six (6) months; and

(V) The compliance plan content requirements specified in this paragraph shall apply to, and be included in, the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the installation will use to achieve compliance with the acid rain emissions limitations;

J. Compliance certification and information.

(I) A certification of compliance with all applicable requirements signed by a responsible official consistent with paragraph (5)(B)4. of this rule and section 114(a)(3) of the Act.

(II) A statement of methods used for determining compliance, including a description of monitoring, record keeping and reporting requirements, and test methods.

(III) A schedule for the submission of compliance certifications during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement.

(IV) A statement indicating the installation's compliance status with respect to any applicable enhanced monitoring and compliance certification requirements of the Act; and

K. Acid rain information. Nationally*[-]*standardized forms for acid rain portions of permit applications and compliance plans shall be used, as required by rules promulgated under Title IV of the Act.

4. Certification by responsible official. Any application form, report, or compliance certification submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

5. Single, multiple, or general permits. Pursuant to this section of the rule, an installation must have a permit (or group of permits) addressing all applicable requirements for all emissions units in the installation. An installation may comply with this subsection of the rule through any one (1) of the methods identified in *[paragraphs]* **subsections** (3)(A)–(3)(D) of this rule.

(C) Permit Content.

1. Standard permit requirements. Every operating permit issued pursuant to this section (5) shall contain all requirements applicable to the installation at the time of issuance.

A. Emissions limitations and standards. The permit shall specify emissions limitations or standards applicable to the installation and shall include those operational requirements or limitations as necessary to assure compliance with all applicable requirements.

(I) The permit shall specify and reference the origin of and authority for each term or condition and shall identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(II) The permit shall state that, where an applicable requirement is more stringent than an applicable requirement of rules promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the administrator.

(III) If the implementation plan or other applicable requirement allows an installation to comply through an alternative emissions limit or means of compliance and the applicant requests that this alternative limit or means of compliance be specified in the permit, the permitting authority may include this alternative emissions limit or means of compliance in an installation's permit upon demonstrating that it is quantifiable, accountable, enforceable, and based on replicable procedures.

B. Permit duration. The permitting authority shall issue permits for five (5) years. The permit term shall commence on the date of issuance or, when applicable, the date of validation.

C. Monitoring and related record*[-]* keeping and reporting requirements.

(I) The permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated by the administrator pursuant to sections 114(a)(3) or 504(b) of the Act;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), then periodic monitoring sufficient to yield reliable data for the relevant time period that are representative of the installation's compliance with the permit, as reported pursuant to part (5)(C)1.C.(III) of this rule. These monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record*[-]* keeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and where appropriate, installation of monitoring equipment or methods.

(II) With respect to record keeping, the permit shall incorporate all applicable record*[-]* keeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

I. The date, place as defined in the permit, and time of sampling or measurements;

II. The date(s) analyses were performed;

III. The company or entity that performed the analyses;

IV. The analytical techniques or methods used;

V. The results of these analyses; and

VI. The operating conditions as existing at the time of sampling or measurement; **and**

(b) Retention of records.

I. Retention of records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings when used for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

II. Affected sources under Title IV of the Act will have a three- (3-)*[-]*year monitoring data record retention period as required in 40 CFR 75.

(III) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) A permit issued under these rules shall require the permittee to submit a report of any required monitoring every six (6) months. To the extent possible, the schedule for submission of these reports shall be timed to coincide with other periodic reports required by the permit, including the permittee's annual compliance certification;

(b) Each report submitted under subpart (5)(C)1.C.(III)(a) of this rule shall identify any deviations from permit requirement, since the previous report, that have been monitored by the monitoring systems required under the permit, and any deviations from the monitoring, record*[-]* keeping, and reporting requirements of the permit;

(c) In addition to semiannual monitoring reports, each permittee shall be required to submit supplemental reports as indicated here. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.

[I. Notice of any deviation resulting from an emergency (or upset) condition as defined in paragraph (5)

(C)7. of this rule shall be submitted to the permitting authority either verbally or in writing within two (2) working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted facility must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice must contain a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.]

*[II.]***I.** Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as practicable.

*[III.]***II.** Any other deviations identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in the permit;

(d) Every report submitted shall be certified by a responsible official, except that, if a report of a deviation must be submitted within ten (10) days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten (10) days after that, together with any corrected or supplemental information required concerning the deviation; and

(e) A permittee may request confidential treatment of information submitted in any report of deviation.

D. Risk management plans. If the installation is required to develop and register a risk management plan pursuant to section 112(r) of the Act, the permit is required to specify only that the permittee will verify that they have complied with the requirement to register such a plan. The contents of the risk management plan itself need not be incorporated as a permit term.

E. Emissions exceeding Title IV allowances. Where applicable, the permit shall prohibit emissions exceeding any allowances that the installation lawfully holds under Title IV of the Act or rules promulgated thereunder.

(I) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program if the increases do not require a permit revision under any other applicable requirement.

(II) No limit shall be placed on the number of allowances that may be held by an installation. The installation may not use these allowances, however, as a defense for noncompliance with any other applicable requirement.

(III) Any of these allowances shall be accounted for according to procedures established in rules promulgated under Title IV of the Act.

F. Severability clause. The permit shall include a severability clause to ensure the continued validity of uncontested permit conditions in the event of a successful challenge to any contested portion of the permit.

G. General requirements.

(I) The permittee must comply with all the terms and conditions of the permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, for permit termination, permit revocation and reissuance, permit modification, or denial of a permit renewal application. Note: The grounds for termination of a permit under part (5)(C)1.G.(I) are the same as the grounds for revocation as stated in part (5)(E)8.A.(I).

(II) It shall not be a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(III) The permit may be modified, revoked, reopened, reissued, or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(IV) The permit does not convey any property rights of any sort, or grant any exclusive privilege.

(V) The permittee shall furnish to the permitting authority, upon receipt of a written request and within a reasonable time, any information that the permitting authority reasonably may require to determine whether cause exists for modifying, reopening, reissuing, or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the permitting authority copies of records required to be kept by the permittee. The permittee may make a claim of confidentiality for any information or records submitted under this paragraph (5)(C)1.

H. Incentive programs not requiring permit revisions. The permit shall include a provision stating that no permit revision will be required for any installation changes made under any approved economic incentive, marketable permit, emissions trading, or other similar programs or processes provided for in the permit.

I. Reasonably anticipated operating scenarios. The permit shall include terms and conditions for reasonably anticipated operating scenarios identified by the applicant and approved by the permitting authority. The permit shall authorize the permittee to make changes among alternative operating scenarios authorized in the permit without notice, but shall require the permittee, contemporaneous with changing from one (1) operating scenario to another, to record in a log at the permitted installation the scenario under which it is operating. The permit shield shall apply to these terms and conditions.

J. Emissions trading. The permit shall include terms and conditions for the trading of emissions increases and decreases within the permitted installation to the extent that the applicable requirements provide for the trading of increases and decreases without case-by-case approval of each emissions trade. These terms and conditions shall include all those required to determine compliance (to include contemporaneous recording in a log of the details of the trade) and must meet all applicable requirements, and requirements of this rule. The permit shield shall apply to all terms and conditions that allow the trading of these increases and decreases in emissions.

2. Federally*[-]*enforceable conditions and state-only requirements.

A. Federally*[-]*enforceable conditions. Except as provided in subparagraph (5)(C)2.B. of this rule, all terms and conditions in a permit issued under this section, including any voluntary provisions designed to limit an installation's potential to emit, are enforceable by the permitting authority, by the administrator, and by citizens under section 304 of the Act.

B. State-only requirements. Notwithstanding subparagraph (5)(C)2.A. of this rule, the permitting authority shall expressly designate as not being federally*[-]*enforceable or enforceable under section 304 of the Act any terms and conditions included in the permit that are not required under

the Act or any of its applicable requirements, and these terms and conditions shall not be enforceable by the administrator or by citizens under section 304 of the Act. Terms and conditions so designated are not subject to the requirements of 40 CFR sections 70.7 and 70.8. Terms and conditions expressly designated as state-only requirements under this paragraph may be included in an addendum to the installation's permit.

3. Compliance requirements. Permits issued under this section (5) shall contain the elements listed here with respect to compliance.

A. General requirements, including certification. Consistent with the monitoring and related record*[-]* keeping and reporting requirements of this paragraph, the operating permit must include compliance certification, testing, monitoring, reporting, and record*[-]* keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required to be submitted under this rule shall contain a certification signed by a responsible official as to the results of the required monitoring.

B. Inspection and entry. The permit must include requirements providing that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the permitting authority to perform the following (subject to the permittee's right to seek confidential treatment of information submitted to, or obtained by, the permitting authority under this subsection):

(I) Enter upon the permittee's premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(II) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(III) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(IV) As authorized by the Missouri Air Conservation Law Chapter 643, RSMo, or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

C. Schedule of compliance. The permit must include a schedule of compliance, to the extent required.

D. Progress reports. To the extent required under an applicable schedule of compliance, the permit must require progress reports to be submitted semiannually, or more frequently if specified in the applicable requirement or by the permitting authority. These progress reports shall contain the following:

(I) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when these activities, milestones, or compliance were achieved; and

(II) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

E. Compliance certification. The permit must include requirements for certification of compliance with terms and conditions contained in the permit that are federally enforceable, including emissions limitations, standards, or work practices. The permit shall specify—

(I) The frequency (which shall be annually unless the applicable requirement specifies submission more frequently) of compliance certifications;

(II) The means for monitoring compliance with emissions limitations, standards, and work practices contained in applicable requirements;

(III) A requirement that the compliance certification include the following:

(a) The identification of each term or condition of the permit that is the basis of the certification;

(b) The permittee's current compliance status, as shown by monitoring data and other information reasonably available to the permittee;

(c) Whether compliance was continuous or intermittent;

(d) The method(s) used for determining the compliance status of the installation, currently and over the reporting period; and

(e) Such other facts as the permitting authority may require to determine the compliance status of the source;

(IV) A requirement that all compliance certifications be submitted to the administrator as well as to the permitting authority;

(V) Additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act; and

(VI) Any other provisions as the permitting authority may require.

4. General permits. Installations may apply to operate under any general permit.

A. Issuance of general permits. General permits covering similar part 70 installations may be issued by the permitting authority after notice and opportunity for public participation under subsection (5)(F) and section (6). The general permit shall indicate a reasonable time after which an installation that has submitted an application for authorization will be deemed to be authorized to operate under the general permit. A general permit shall identify criteria by which installations may be authorized to operate under the general permit. This criteria includes the following:

(I) Categories of sources covered by the general permit must be homogeneous in terms of operations, processes, and emissions;

(II) Sources may not be subject to case-by-case standards or requirements; and

(III) Sources must be subject to substantially similar requirements governing operations, emissions, monitoring, reporting, and record keeping.

B. Applications. The permitting authority shall provide application forms for coverage under a general permit. General permit applications may deviate from individual part 70 permit applications but shall include all information necessary to determine qualification for, and to assure compliance with, the general permit. The permitting authority shall authorize coverage by the conditions and terms of a general permit to all installations that apply for and qualify under the specified general permit criteria. Installations applying for coverage under a general permit must comply with all the requirements of this rule, except public participation requirements. General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in rule promulgated under Title IV of the Act.

C. Public participation. Although public participation under section (6) of this rule is necessary for the issuance of a general permit, the permitting authority may authorize an installation to operate under general permit terms and conditions without repeating the public participation procedures. However, this authorization shall not be a final permit action of purposes for judicial review.

D. Enforcement. Notwithstanding the permit shield provisions of paragraph (5)(C)6. of this rule, an installation

authorized to operate under a general permit is subject to enforcement for operating without an individual part 70 operating permit if the installation is determined not to be qualified for the general permit.

5. Portable installations. An installation may apply for a single permit authorizing emissions from similar operations by the same installation owner or operator at multiple temporary locations.

A. Qualification criteria. To qualify for a permit under this paragraph (5)(C)5. the applicant's operation must be temporary and involve at least one (1) change of location during the permit term. Affected sources shall not be authorized as temporary installations under the acid rain program unless otherwise provided in rules promulgated under Title IV of the Act.

B. Compliance at each location. The permittee must comply with all applicable requirements at each authorized location.

C. Notice of location change. The owner or operator of the installation must notify the permitting authority at least ten (10) days in advance of each change of location.

6. Permit shield.

A. Express permit statement required. Part 70 operating permits shall include express provisions stating that compliance with the conditions of the permit shall be deemed compliance with all applicable requirements as of the date of permit issuance, provided that—

(I) The applicable requirements are included and specifically identified in the permit; or

(II) The permitting authority, in acting on the permit revision or permit application, determines in writing that other requirements, as specifically identified in the permit, are not applicable to the installation and the permit expressly includes that determination or a concise summary of it.

B. Exceptions to permit protection. The permit shield does not affect the following:

(I) The provisions of section 303 of the Act or section 643.090, RSMo, concerning emergency orders;

(II) Liability for any violation of an applicable requirement which occurred prior to, or was existing at, the time of permit issuance;

(III) The applicable requirements of the acid rain program;

(IV) The administrator's authority to obtain information; or

(V) Any other permit or extra-permit provisions, terms, or conditions expressly excluded from the permit shield provisions of this rule.

7. Emergency provisions.

A. Definition. For the purposes of a part 70 operating permit, an emergency or upset means any condition arising from sudden and not reasonably foreseeable events beyond the control of the permittee, including acts of God, which require immediate corrective action to restore normal operation and that causes the installation to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency or upset. An emergency or upset does not include noncompliance caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

[B. Affirmative defense requirements. The permitting authority shall include in each permit a provision stating that an emergency or upset constitutes an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:

(I) An emergency or upset occurred and the permittee can identify the source of the emergency or upset;

(II) The installation was being operated properly;

(III) The permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or the requirements in the permit; and

(IV) The permittee submitted notice of the emergency to the permitting authority within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.]

8. Operational flexibility (installation changes not requiring permit revisions). An installation that has been issued a part 70 operating permit under this rule is not required to apply for or obtain a permit revision in order to make any of the changes to the permitted installation described in subparagraph (5)(C)8.A. of this rule if the changes are not Title I modification and the changes do not cause emissions to exceed emissions allowable under the permit, and the changes do not result in the emission of any air contaminant not previously emitted. The installation shall notify the permitting authority and the administrator at least seven (7) days in advance of these changes, except as allowed for emergency or upset conditions. Emissions allowable under the permit means a federally***[-]***enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally***[-]*** enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

A. Section 502(b)(10) changes. Changes that, under section 502(b)(10) of the Act, contravene an express permit term may be made without a permit revision, except for changes that would violate applicable requirements of the Act or contravene federally***[-]***enforceable monitoring (including test methods), record***[-]*** keeping, reporting, or compliance requirements of the permit.

(I) Before making a change under this provision, the permittee shall provide advance written notice to the permitting authority and to the administrator, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall maintain a copy of the notice with the permit, and the permitting authority shall place a copy with the permit in the public file. Written notice shall be provided to the administrator and the permitting authority at least seven (7) days before the change is to be made. If less than seven (7) days' notice is provided because of a need to respond more quickly to these unanticipated conditions, the permittee shall provide notice to the administrator and the permitting authority as soon as possible after learning of the need to make the change.

(II) The permit shield shall not apply to these changes.

B. SIP-based emissions trading changes. Changes associated with trading emissions increases and decreases within a permitted installation may be made without a permit revision if the SIP provides for these trades. The permit shall contain terms and conditions governing the trading of emissions.

(I) For these changes, the advance written notice provided by the permittee shall identify the underlying

authority authorizing the trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms or other applicable requirements with which the source will comply through emissions trading, and any other information as may be required by the applicable requirement authorizing the emissions trade.

(II) The permit shield shall not apply to these changes. Compliance will be assessed according to the terms of the implementation plan authorizing the trade.

C. Emissions cap-based changes. Changes associated with the trading of emissions increases and decreases within a permitted installation may be made without a permit revision if this trading is solely for the purpose of complying with the federally***[-]***enforceable emissions cap that was established in the permit at the applicant's request, independent of otherwise applicable requirements. For these changes, the advance written notice provided by the permittee shall identify the underlying authority authorizing the emissions trade and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms, or other applicable requirements with which the source will comply through emissions trading, and any other information as may be required by the applicable requirement authorizing the emissions trade. The permit shield does apply to these changes.

9. Off-permit changes. Except as provided in subparagraph (5)(C)9.A. in this rule, a part 70 permitted installation may make any change in its permitted installation's operations, activities, or emissions that is not addressed in, constrained by, or prohibited by the permit without obtaining a permit revision. Insignificant activities listed in the permit, but not otherwise addressed in or prohibited by the permit, are not considered to be constrained by the permit for purposes of the off-permit provisions of this section. Off-permit changes shall be subject to the following requirements and restrictions:

A. Compliance with applicable requirements. The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; no permittee may change a permitted installation without a permit revision, even if the change is not addressed in or constrained by, the permit, if this change is subject to any requirements under Title IV of the Act or is a Title I modification;

B. Contemporaneous notice, except insignificant activities. The permittee must provide contemporaneous written notice of the change to the permitting authority and to the administrator. This notice is not required for changes that are insignificant activities under paragraph (5)(B)3. of this rule. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;

C. Record of changes. The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes; and

D. Permit shield not applicable. The permit shield shall not apply to these changes.

*AUTHORITY: section**s** 643.050 **and 643.079**, RSMo [2016] **Supp. 2023**. Original rule filed Sept. 2, 1993, effective May 9, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 13, 2024.*

PUBLIC COST: This proposed amendment will cost public entities two thousand five hundred dollars ($2,500) in FY 2026. For the years after FY 2026, the total annual cost is five thousand dollars ($5,000) for the life of the rule.

PRIVATE COST: This proposed amendment will cost private entities seventeen thousand fifty dollars ($17,050) in FY 2026. For the years after FY 2026, the total annual cost is thirty-four thousand one hundred dollars ($34,100) for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9 a.m., Aug. 29, 2024. The public hearing will be held at Burr Oak Woods Conservation Area, 1401 NW Park Rd., Blue Springs, MO, and online with live video conferencing during the Missouri Air Conservation Commission meeting. Meeting participants can join the video meeting via https://dnr.mo.gov/calendar/event/244681. Participants may also join the meeting by phone using the toll number 1-650-479-3207. For assistance joining the meeting, call the Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817 or (800) 361-4827. A recording of the public hearing will be available at https://dnr.mo.gov/commissions-boards-councils/air-conservation-commission. Opportunity to be sworn in by the court reporter in person, over video, or by phone to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5 p.m., Sept. 5, 2024. Send online comments via the proposed rules web page at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN, email comments to apcprulespn@dnr.mo.gov, or mail written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	*10 CSR 10-6.065 Operating Permits*
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
391 Total Facilities of which 50 are Public Entities (See Table A)	*$ 5,000 Annualized Aggregate* *$ 25,000 For Projected 5-Year Life*

III. WORKSHEET

Operating Permit Fee Information

Proposed Intermediate and Part 70 Operating Permit Filing Fee Remains Complexity-Based, with an Increase of $500 for each Tier.

Per the 2023 EIQ database, there are 391 facilities with Intermediate and Part 70 operating permits. Operating permits are renewed every 5 years. Each facility will need to renew sometime in the 5-year period, an average of 10 public entity applications per year. An Increase of $500 per application over the course of 5 years equals a total increase of $195,500 for the 5-year period.

Fiscal Year	Type of Fee	Annual Average Number of Permits/ Applications	Annual Average Cost to Affected Entities due to Fee Increases
2025 (1/1 - 6/30/25)	Intermediate and Part 70 Operating Permit Fee	5	$2,500
2026	Intermediate and Part 70 Operating Permit Fee	10	$5,000
2027	Intermediate and Part 70 Operating Permit Fee	10	$5,000
2028	Intermediate and Part 70 Operating Permit Fee	10	$5,000
2029	Intermediate and Part 70 Operating Permit Fee	10	$5,000
2030 (7/1 - 12/31/30)	Intermediate and Part 70 Operating Permit Fee	5	$2,500
		Cost projected over 5 years	**$25,000**

Table A: Public Entities with Intermediate and Part 70 Operating Permits

Major Group SIC Code	SIC Description	# Affected Public Entities With Part 70 & Intermediate Permits
49	Electric, Gas, And Sanitary Services	41
82	Education Services	4
45	Transportation By Air	2
97	National Security And International Affairs	2
34	Fabricated Metal Products, Except Machinery & Transport Equipment	1
TOTAL		50

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The estimated number of facilities affected by this rulemaking listed in part II is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. Based on MoEIS data as of October 18, 2023, a total of 391 Missouri facilities have a part 70 or intermediate operating permit. Of these, an estimated 341 are private entities.

3. The total of 391 facilities with an operating permit discussed in assumption #2 is expected to fluctuate slightly from year to year. The trend for 2020 through 2022 was a slight reduction each year.

4. Intermediate and part 70 operating permit filing fees are based on a tiered system that reflects the complexity of the permit. The current fee consists of a base fee ranging from $750 to $1,500, determined by the number of emission units at the facility, plus additional complexity fees of $500 to $1,500 for facilities meeting certain criteria. The fees for complexity items remain unchanged. The complexity items depend on the number of applicable new source performance standards, maximum achievable control technology standards, hazardous air pollutant standards, compliance assurance monitoring plans, confidentiality requests, and applicability to acid rain standards. In the new fee structure, the minimum application filing fee for intermediate and part 70 permits is $1,250 and the maximum is $6,500 with complexity items. The filing fee applies to the initial application and permit renewals every five years. This fee represents an increase of $500 from the fee per application prior to January 1, 2026.

5. The operating permit fee information in part III is based on a review of all active intermediate and part 70 operating permits as of October 2023.

6. All permit numbers shown in the operating permit fee information in part III represent a five-year period because operating permits are valid for five years, at which point they must be renewed.

7. In the worksheet, the average number of annual permit applications for FY2025-2030 is based on the current number of part 70 and intermediate operating permits, averaged over 5 years, as each of the current operating permits must be renewed every 5 years.

8. The worksheet shows projected FY2025-2030 total increase in operating permit revenue from private entities. These estimates assume that of the 78 intermediate/part 70 operating permit applications received on average each year, 10 are from public entities. The number of public entities is based on MoEIS data.

9. The fees collected are uniformly distributed throughout the fiscal years.

10. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

11. Note that numbers in charts appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	*10 CSR 10-6.065 Operating Permits*
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule action:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the proposed rule action by the affected entities:
391 Total Facilities of which 341 are Private Entities	See Table A	$ 34,100 Annualized Aggregate $170,500 For Projected 5-Year Life

III. WORKSHEET

Operating Permit Fee Information

Proposed Intermediate and Part 70 Operating Permit Filing Fee Remains Complexity-Based, with an Increase of $500 for each Tier.

Per the 2023 EIQ database, there are 391 facilities with Intermediate and Part 70 operating permits. Operating permits are renewed every 5 years. Each facility will need to renew sometime in the 5-year period, an average of 68.2 private entity applications per year. An Increase of $500 per application over the course of 5 years equals a total increase of $170,500 for the 5-year period.

Fiscal Year	Type of Fee	Annual Average Number of Permits/ Applications	Annual Average Cost to Affected Entities due to Fee Increases
2025 (1/1 - 6/30/25)	Intermediate and Part 70 Operating Permit Fee	34	$17,050
2026	Intermediate and Part 70 Operating Permit Fee	68	$34,100
2027	Intermediate and Part 70 Operating Permit Fee	68	$34,100
2028	Intermediate and Part 70 Operating Permit Fee	68	$34,100
2029	Intermediate and Part 70 Operating Permit Fee	68	$34,100
2030 (7/1 - 12/31/30)	Intermediate and Part 70 Operating Permit Fee	34	$17,050
		Cost projected over 5 years	**$170,500**

*The first full fiscal year for this rulemaking is 2027.

Table A: Private Entities with Intermediate and Part 70 Operating Permits

Major Group SIC Code	SIC Description	#Affected Private Entities With Part 70 and Intermediate Permits
49	Electric, Gas, And Sanitary Services	61
28	Chemicals And Allied Products	34
37	Transportation Equipment	31
30	Rubber And Miscellaneous Plastic Products	30
20	Food And Kindred Products	21
32	Stoney, Clay, Glass, And Concrete Products	21
51	Wholesale Trade – Non Durable Goods	21
33	Primary Metal Industries	16
29	Petroleum Refineries And Related Industries	15
34	Fabricated Metal Products, Except Machinery & Transport Equipment	14
7	Agricultural Services	10
26	Paper And Allied Products	8
27	Printing, Publishing And Allied Industries	8
24	Lumber And Wood Products, Except Furniture	7
36	Electronic, Electrical Equipment And Components, Except Computer Equipment	6
80	Health Services	6
46	Pipelines, Except Natural Gas	5
73	Business Services	5
14	Mining And Quarrying Of Nonmetallic Minerals Except Fuels	4
35	Industrial And Commercial Machinery And Computer Equipment	3
82	Education Services	2
31	Leather And Leather Products	2
42	Motor Freight Transportation	2
87	Engineering, Accounting, Research Management & Related Services	2
16	Heavy Construction, Except Building Construction – Contractors	1
25	Furniture And Fixtures	1
48	Communications	1
50	Wholesale Trade – Durable Goods	1
57	Home Furniture, Furnishings, And Equipment Stores	1
65	Real Estate	1
75	Automotive Repair, Services And Parking	1
TOTAL		341

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The estimated number of facilities affected by this rulemaking listed in part II is based on the Air Program's Missouri Emissions Inventory System (MoEIS) database. Based on MoEIS data as of October 18, 2023, a total of 391 Missouri facilities have a part 70 or intermediate operating permit. Of these, an estimated 341 are private entities.

3. The total of 391 facilities with an operating permit discussed in assumption #2 is expected to fluctuate slightly from year to year. The trend for 2020 through 2022 was a slight reduction each year.

4. Intermediate and part 70 operating permit filing fees are based on a tiered system that reflects the complexity of the permit. The current fee consists of a base fee ranging from $750 to $1,500, determined by the number of emission units at the facility, plus additional complexity fees of $500 to $1,500 for facilities meeting certain criteria. The fees for complexity items remain unchanged. The complexity items depend on the number of applicable new source performance standards, maximum achievable control technology standards, hazardous air pollutant standards, compliance assurance monitoring plans, confidentiality requests, and applicability to acid rain standards. In the new fee structure, the minimum application filing fee for intermediate and part 70 permits is $1,250 and the maximum is $6,500 with complexity items. The filing fee applies to the initial application and permit renewals every five years. This fee represents an increase of $500 from the fee per application prior to January 1, 2026.

5. The operating permit fee information in part III is based on a review of all active intermediate and part 70 operating permits as of October 2023.

6. All permit numbers shown in the operating permit fee information in part III represent a five-year period because operating permits are valid for five years, at which point they must be renewed.

7. In the worksheet, the average number of annual permit applications for FY2025-2030 is based on the current number of part 70 and intermediate operating permits, averaged over 5 years, as each of the current operating permits must be renewed every 5 years.

8. The worksheet shows projected FY2025-2030 total increase in operating permit revenue from private entities. These estimates assume that of the 78 intermediate/part 70 operating permit applications received on average each year, 68 are from private entities. The number of private entities is based on MoEIS data.

9. The fees collected are uniformly distributed throughout the fiscal years.

10. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

11. Note that numbers in charts appear as whole numbers, but actual numbers may include decimal places sometimes causing a variance in totals.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 10 – Air Conservation Commission
Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information. The commission is amending sections (2)–(4).

PURPOSE: This amendment sets emission fees and a base fee for calendar years 2025-2028 and beyond, adds 1-Bromopropane (1-BP) to the category 1 Hazardous Air Pollutant (HAP) list in Table 1, and updates two (2) publication dates for material that is incorporated by reference.

(2) Definitions.

(G) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

TABLE 1. Reportable Pollutants with Reporting Thresholds

Process Level Reportable Pollutants		Emission Unit Level Reporting Threshold	
Point Sources	**Small Sources**	**Tons**	**Pounds**
PM_{10} fil	PM_{10} pri	0.438	876
PMcon			
$PM_{2.5}$ fil	$PM_{2.5}$ pri	0.438	876
PMcon			
SO_2		1	2000
NO_x		1	2000
VOC		0.438	876
CO		1	2000
Category One (1) HAP [a]		0.01 [a]	20 [a]
Category Two (2) HAP [b]		0.1 [b]	200 [b]
NH_3		0.438	876
Lead[a]		0.01 [a]	20 [a]

[a] Category One (1) Hazardous Air Pollutant (HAP) chemicals include Polycyclic Organic Matter, Arsenic Compounds, Lead Compounds, Chromium Compounds, Mercury Compounds (Alkyl and Aryl), Mercury Compounds (Inorganic), Nickel Compounds, Chlordane, Benzene, Methoxychlor, Vinyl Chloride, Heptachlor, Benzidine, Butadiene (1,3-), Chloromethyl Methyl Ether, Hexachlorobenzene, Bis(chloromethyl)ether, Asbestos, Polychlorinated Biphenyls, Trifluralin, Tetrachlorodibenzo-P-Dioxin (2,3,7,8-), Toxaphene, **1-Bromopropane (1-BP),** and Coke Oven Emissions.

[b] Category Two (2) HAP chemicals are those defined in 10 CSR 10-6.020 that are not included in the list of Category One (1) HAP chemicals.

(3) General Provisions.

(A) *[Emission]* Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee per ton of applicable pollutant emissions identified in Table *[2]***3.** of this rule based on previous calendar year emissions and in accordance with paragraphs (3)(A)2. through (3)(A) *[7.]***8.** of this rule. *[The emission fee shall be fifty-three dollars and no cents ($53.00) per ton emitted in calendar year 2021, and fifty-five dollars and no cents ($55.00) per ton emitted in calendar year 2022 and thereafter.]* **The emission fee shall be fifty-five dollars and no cents ($55.00) per ton emitted in calendar year 2024, fifty-eight dollars and no cents ($58.00) per ton emitted in calendar year 2025, sixty dollars and no cents ($60.00) per ton emitted in calendar year 2026, and sixty-two dollars and no cents ($62.00) per ton emitted in calendar year 2027 and beyond.**

2. For Full Emissions Reports, the fee is based on the information provided in the installation's emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last Full Emissions Report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table *[2]***3.** of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH_3, CO, $PM_{2.5}$, or HAPs reported as PM_{10} or VOC, as summarized in Table *[2]***3.** of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department of Natural Resources.

7. To determine emission fees, an installation shall be considered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

8. Beginning January 1, 2025, any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual base fee in addition to any applicable emission fees. The annual base fee is as specified in Table 2. of this rule, due June 1 the following year.

Table 2. Tiered Base Fee Structure

Title V and Intermediate Sources	
Base Fee	**Actual Emission Thresholds**
$100	**0 to 10 tons**
$250	**11 to 20 tons**
$500	**21 to 100 tons**
$1,500	**101 to 500 tons**
$2,500	**501 tons and over**
Non-Title V Sources	
Base Fee	**Actual Emission Thresholds**
$50	**0 to 0 tons**
$100	**1 to 5 tons**
$250	**6 to 20 tons**
$500	**21 tons and over**

Table *[2.]*3. Pollutant Fee Applicability

Pollutants Subject to Fees	**Pollutants Not Subject to Fees**
PM_{10} pri	$PM_{2.5}$ pri
SO_2	CO
NO_x	NH_3
VOC	HAPs reported as PM_{10} or VOC
HAP	
Lead	

(B) Emission Estimation Calculation and Verification.

1. The method of determining an emission factor, capture efficiency, or control efficiency for use in the emissions report shall be consistent with the installation's applicable permit. Variance from this method shall be based on the hierarchy described below. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method shall be used in its place –

A. Continuous Emission Monitoring System (CEMS) as specified in subparagraph (3)(B)2.A. of this rule;

B. Stack tests as specified in subparagraph (3)(B)2.B. of this rule;

C. Material/mass balance;

D. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) as published by EPA August *[2018]* **2023** and August *[2017]* **2021**, respectively, and hereby incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions;

E. Other EPA documents as specified in subparagraph (3)(B)2.C. of this rule;

F. Sound engineering or technical calculations; or

G. Facilities shall obtain department approval of emission estimation methods other than those listed in subparagraphs (3)(B)1.A.–F. of this rule before using any such method to estimate emissions in the submission of an

emissions report.

2. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an emissions report for accuracy, reliability, and appropriateness. Inappropriate usage of an emission factor or method shall include*[,]* but is not limited to*[:]* varying from the method used in permit without prior approval, using emission factors not representative of a process, using equipment in a manner other than that for which it was designed *[for]* in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include*[:]* –

A. Continuous Emission Monitoring System (CEMS).

(I) CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.

(II) CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.

(III) When using CEMS data to estimate emissions, the data must include all parameters (i.e., emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;

B. Stack tests.

(I) Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.

(II) Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.

(III) Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.

(IV) Stack tests will not be accepted unless the director or local air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty- (30-)*[-]*day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

(V) Stack test results which do not meet all the criteria of parts (3)(B)2.B.(I)–(IV) of this rule may be acceptable for estimating emissions but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

C. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an emissions report.

(C) Emission Data and Fee Auditing and Adjustment.

1. The department may conduct detailed audits of emissions reports and supporting documentation as the director deems necessary. A minimum seven- (7-)*[-]*day notice must be provided to the installation to prepare documentation if this audit is done on-site.

2. The department may make emission fee adjustments when any of the following applies*[—]*:

A. Clerical or arithmetic errors have been made;

B. Submitted documentation is not supported by inspections or audits;

C. Emissions estimates are modified as a result of emission verification or audits;

D. Credit has been incorrectly applied for an emissions fee paid to a local air pollution control agency; or

E. Emission estimation calculation varies from the methods described in subsection (3)(B) of this rule.

3. The department is not limited by subparagraphs (3)(C)2.A.–E. of this rule in making emission fee adjustments.

4. Adjustments to data and fees will be subject to a three- (3-)*[-]*year statute of limitations unless it is –

A. Due to a willful failure to report emissions or fraudulent representation for which there shall be no statute of limitations; or

B. Adjustment of emissions is based on a permitting action under 40 CFR 52.21 for which an adjustment of fees is required to all years of emission data changed up to a maximum of ten (10) years. 40 CFR 52.21 was promulgated as of July 1, *[2018]* **2023,** and is hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions. If approved, fees in effect at the time will be due, but no credit will be applied at the emission unit level.

(4) Reporting and Record Keeping. All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected, and all these records shall be made available upon the director's request.

(A) The owner or operator of an installation that is subject to this rule shall collect information as required in this section of the rule. The information required in the emissions report is listed in Table *[3]***4.** of this rule. All data elements must be reported initially, and only changed data elements must be reported subsequently. To ensure permit consistency, the Air Pollution Control Program Emissions Inventory Unit will provide assistance to identify and quantify the data elements in Table *[3]***4.** of this rule.

Table *[3.]*4. Data Elements

1. Inventory year
2. Contact name
3. Contact phone number
4. Federal Information Processing Standard (FIPS) County Code
5. Installation plant ID Code
6. Emission unit ID
7. Stack ID
8. Site name
9. Physical address
10. Source Classification Code (SCC)
11. Heat content (fuel) (annual average)
12. Ash content (fuel) (annual average)
13. Sulfur content (fuel) (annual average)
14. Reportable pollutant
15. Activity **level**/throughput
16. Annual emissions
17. Emission factor, with method
18. Winter throughput (percent)
19. Spring throughput (percent)
20. Summer throughput (percent)
21. Fall throughput (percent)
22. Hr/day in operation
23. Days/wk in operation
24. Wks/yr in operation
25. Stack height
26. Stack diameter
27. Exit gas temperature
28. Exit gas velocity
29. Exit gas flow rate
30. Capture efficiency (percent)
31. Control efficiency (percent)
32. Control device type and ID
33. Emission release point type
34. Maximum Hourly Design Rate (MHDR)

(B) Types and Frequency of Reporting. The requirements in this subsection are summarized in Table ***[4]*5.** of this rule.

1. All sources (Part 70, intermediate, and small) must submit a Full Emissions Report for the first full calendar year of operation and, for point sources, a Full Emissions Report is required for an initial partial year of operation.

2. Starting with reporting year 2011, subsequent years of operation reports or forms shall be submitted as follows:

A. Part 70 sources must continue to submit a Full Emissions Report annually;

B. Intermediate sources must submit a Full Emissions Report every third year after 2011 (subsequent years 2014, 2017, 2020, etc.) and may submit a Reduced Reporting Form in other years unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates; and

C. Small sources may submit a Reduced Reporting Form for all subsequent years after a Full Emissions Report unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates.

3. An installation may choose to complete a Full Emissions Report in any year.

TABLE *[4.]5.* Summary of Types and Frequency of Reporting

	Emission Year								
Installation classification	*[2020*	*2021*	*2022]*	**2023**	**2024**	**2025**	**2026**	**2027**	**Years Beyond *[2026]* 2027***
Part 70	*[Full Emissions Report*	*Full Emissions Report*	*Full Emissions Report*	Full Emissions Report	Full Emissions Report	Full Emissions Report	Full Emissions Report	**Full Emissions Report**	•
Intermediate	*Full Emissions Report*	*Reduced Reporting Form (Subparagraph (4)(B)2.B.)*	*Reduced Reporting Form (Subparagraph (4)(B)2.B.)*	Full Emissions Report	Reduced Reporting Form *(subparagraph (4)(B)2.B.)*	Reduced Reporting Form *(subparagraph (4)(B)2.B.)*	Full Emissions Report	**Reduced Reporting Form *(subparagraph (4)(B)2.B.)***	•
Small Source	*Reduced Reporting Form (Subparagraph (4)(B)2.C.)*	*Reduced Reporting Form (Subparagraph (4)(B)2.C.)*	*Reduced Reporting Form (Subparagraph (4)(B)2.C.)]*	Reduced Reporting Form *(subparagraph (4)(B)2.C.)*	Reduced Reporting Form *(subparagraph (4)(B)2.C.)*	Reduced Reporting Form *(subparagraph (4)(B)2.C.)*	Reduced Reporting Form *(subparagraph (4)(B)2.C.)*	**Reduced Reporting Form *(subparagraph (4)(B)2.C.)***	•

*Reporting requirements for years beyond *[2026]* **2027** are repeated in three**-** (3-)*[-]*year cycles.
(e.g**.,** requirements for years *[2027,]* 2028, *[and]* 2029, **and 2030** are the same as years *[2021, 2022, and 2023]* **2025, 2026, and 2027** respectively)

(C) Submittal Requirements.

1. The Full Emissions Report shall be submitted either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emissions Inventory Questionnaire (EIQ) paper forms on the frequency specified in Table ***[4]*5.** of this rule. Alternate methods of reporting the emissions, such as a spreadsheet file, can be submitted for approval by the director.

2. An installation that does not submit a Full Emissions Report is required to submit a Reduced Reporting Form, which is due April 1 after each reporting year.

3. The Full Emissions Report is due April 1 after each reporting year. If the Full Emissions Report is filed electronically via MoEIS, this due date is extended to May 1.

4. The installation owner or operator of record on December 31 of the reporting year is responsible for the emissions report and associated fees for the entire reporting year.

5. If there is no production from an installation in a reporting year, no emission fees are due for that year but notice of such status must be provided to the director in writing by the emissions report due date of April 1.

6. If an installation is out of business, the final emissions report required will be for the full or partial year the installation went out of business. Notice of such status must be provided to the director in writing by the emissions report due date of April 1.

*AUTHORITY: section**s** 643.050**[, RSMo 2016] and 643.079, RSMo Supp. 2023**. Original rule filed June 13, 1984, effective Nov. 12, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 13, 2024.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions seventy-three thousand six hundred thirty-three dollars ($73,633) in FY 2026. For the years after FY 2026, the total annual cost is one hundred twenty-one thousand six hundred fifty-two dollars ($121,652) for the life of the rule.

PRIVATE COST: This proposed amendment will cost private entities seven hundred ninety-five thousand two hundred eighty-one dollars ($795,281) in FY 2026. For the years after FY 2026, the total annual cost is $1,208,672 for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9 a.m., Aug. 29, 2024. The public hearing will be held at Burr Oak Woods Conservation Area, 1401 NW Park Rd., Blue Springs, Missouri, and online with live video conferencing during the Missouri Air Conservation Commission meeting. Meeting participants can join the video meeting via https://dnr.mo.gov/calendar/event/244681. Participants may also join the meeting by phone using the toll number 1-650-479-3207. For assistance joining the meeting, call the Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817 or (800) 361-4827. A recording of the public hearing will be available at https://dnr.mo.gov/commissions-boards-councils/air-conservation-commission. Opportunity to be sworn in by the court reporter in person, over video, or by phone to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5 p.m., Sept. 5, 2024. Send online comments via the proposed rules web page at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN, email comments to apcprulespn@dnr.mo.gov, or mail written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	*10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information*
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State agencies subject to this rule include the Missouri Department of Corrections, the Missouri Department of Transportation, the Missouri Department of Health, and the Office of Administration. Other municipal entities that are subject include municipal fossil-fuel electric generating plants, wastewater treatment facilities, animal shelters with pet crematories, hospitals, law enforcement agencies with incinerators, levee districts, and universities. There are a total of 124 public facilities.	*The resultant costs to state agencies and other municipal entities are $73,633 for emission year 2025, payable by June 1, 2026 during fiscal year 2026, $99,055 for emission year 2026, and $124,477 for emission year 2027, each payable during the subsequent fiscal year. The annual cost remains $124,477 for emission year 2027 forward, payable by June 1 of each following year. The ten-year combined costs are $1,668,504. The rule will continue beyond the ten-year period at the same annual cost as emission year 2027, with no sunset provision.*

III. WORKSHEET

SIC Description	2025 Chargeable Emissions (tons)	2025 Emission Fee at proposed $58/ton	2026 Chargeable Emissions (tons)	2026 Emission Fee at proposed $60/ton	2027 Chargeable Emissions (and beyond, tons)	2027 Emission Fee (and beyond) at proposed $62/ton
Agriculture, Forestry, and Fishing	-	-	-	-	-	-
Construction	-	-	-	-	-	-
Finance, Insurance, and Real Estate	-	-	-	-	-	-
Manufacturing	170	$9,860	170	$10,200	170	$10,540
Mining	-	-	-	-	-	-
Public Administration	134	$7,772	134	$8,040	134	$8,308
Retail Trade	-	-	-	-	-	-
Services	1,066	$61,828	1,066	$63,960	1,066	$66,092
Transportation, Communication, Sanitary Services	11,341	$657,778	11,341	$680,460	11,341	$703,142
Wholesale Trade	-	-	-	-	-	-
Grand Total	**12,711**	**$737,238**	**12,711**	**$762,660**	**12,711**	**$788,082**
Emission Fees at $55/ton		$699,105		$699,105		$699,105
Net Emission Fee Increase		$38,133		$63,555		$88,977

Tiered Base Fee Structure

Title V			
Base Fee	**Actual Emission Thresholds**	**Number of Facilities** (2022 Emission year)	**Total Emission Base Fees**
$100	0 to 10 tons	19	$1,900
$250	11 to 20 tons	5	$1,250
$500	21 to 100 tons	20	$10,000
$1,500	101 to 500 tons	3	$4,500
$2,500	501 to 20,000 tons	3	$7,500

Non-Title V			
Base Fee	**Actual Emission Thresholds**		
$50	0 to 0 tons	7	$350
$100	1 to 5 tons	50	$5,000
$250	6 to 20 tons	14	$3,500
$500	21 to 20,000 tons	3	$1,500
		Total Base Fees Each Year	$35,500

Ten-year net increase in emission fees, including new base fees:

Emission Year 2025: $73,633
Emission Year 2026: $99,055
Emission Year 2027: $124,477
Emission Year 2028: $124,477
Emission Year 2029: $124,477
Emission Year 2030: $124,477
Emission Year 2031: $124,477
Emission Year 2032: $124,477
Emission Year 2033: $124,477
Emission Year 2034: $124,477

Total: $1,168,504
FY2026: $73,633
Annual Aggregate FY2027-2035: $121,652

Note: All figures are in current 2023 dollar values. No attempt is made to account for interest or inflation.

IV. ASSUMPTIONS

The projection of chargeable emission tonnage includes the following assumptions:

1. Emission fee remains at $55/ton for emission year 2024. The proposed fee increases will take effect January 1, 2026, for the 2025 emission year, and include the proposed emission fee of $58/ton for emission year 2025, $60/ton for emission year 2026, and $62/ton for emission years 2027 forward.
2. Rule requirements for the calculation of emissions subject to fees (chargeable emissions) remain unchanged, including the pollutants subject to fees, the emission caps of 4,000 tons per pollutant and 12,000 tons facility total, and facilities exempt from fees (charcoal kilns and facilities with no production and no emissions for the emission year).
3. All sources subject to emission fees will be subject to a base fee as shown in the table, Tiered Base Fee Structure. The fees range from $50 to $2,500 per emission year.
4. Actual emissions for the continuous emission year, corresponding to the calendar year January 1 to December 31, are reported by facilities subject to air permits, per 10 CSR 10-6.110. The emission estimates presented here are based on reported 2022 total chargeable emissions.
5. Emission projections were done for all facilities subject to emission fees in 2022. The beginning year for the projections is the 2022 emission year actual reported emissions from all facilities subject to the rule. No estimates are added for new facilities that may open during the period. All facility emissions are assumed at a constant level at their 2022 emissions beyond that year.
6. The total lifetime rule cost may be reported for rules in the fiscal note. Data is provided for the first ten- year period, with annual data available in the worksheet above if projections are needed beyond ten years. Additional rule analyses are likely as this proposal does not fully meet program solvency needs, and the program is committed to working with fee stakeholders on future solvency issues.
7. All categorization of facilities into private and public ownership are assumed to remain the same as in 2022. No ownership changes from public to private, or vice versa, are expected.
8. All SIC assignments in 2022 are assumed to remain the same in future years.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	*10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information*
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule action:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the proposed rule action by the affected entities:
1,930 sources would be affected by the adoption of the proposed rule action.	*All businesses with air pollution permits are affected. Sources with permits include those that have the potential to emit pollutants above specific thresholds. The types of activities that generate emissions include fuel combustion, painting and coating, processing and refining of minerals, and material handling that generates particulate emissions.*	*The proposed rule will become effective in 2026, and the first emission fees due under the revised emission fee with base fee would be for the 2025 emission year. The estimated total cost to comply with the proposed rule change is $795,281 for emission year 2025, payable by June 1, 2026, $1,014,135 for emission year 2026, and $1,232,989 for emission year 2027, each payable during the subsequent fiscal year. The annual cost remains $1,232,989 for emission years beyond 2027, payable by June 1 of each following year.*

**Two digit SIC classifications group businesses into large economic categories. Additional detailed information, down to the most-specific four-digit business classification, is available below.*

The list below is a selection of only the most impacted full SICs based on number of facilities or total 2022 emission tonnage.

SIC Group	Four Digit Detailed SIC	Number of Facilities	2022 Total Chargeable Emissions (tons)
01-09: Agriculture	0724: Cotton Ginning	48	254
10-14: Mining	1422: Crushed and Broken Limestone	334	2,064
	1442: Construction Sand and Gravel	14	51
	1446: Industrial Sand	6	32
	1031: Lead and Zinc Ores	8	164
20-39: Manufacturing	3241: Cement, Hydraulic	7	12,556
	3274: Lime	8	9,427
	3711: Motor Vehicles and Passenger Car Bodies (automobiles)	4	2,526
	3273: Ready-Mixed Concrete	248	460
	2951: Asphalt Paving Mixtures and Blocks	94	878
	4911: Electric Services (fossil fuel power generation)	71	60,542
40-49: Transportation, Communications, Sanitary Services	4953: Refuse Systems	75	822
	4922: Natural Gas Transmission	15	2,522
50-51: Wholesale Trade	5171: Petroleum Bulk Stations and Terminals	19	357
	5153: Grain and Field Beans	88	329
	5191: Farm Supplies	54	114
70-89: Services	8062: General Medical and Surgical Hospitals	39	406
	7389: Business Services (packaging and labeling)	5	174

III. Worksheet

SIC Description	2025 Chargeable Emissions (tons)	2025 Emission Fee at proposed $58/ton	2026 Chargeable Emissions (tons)	2026 Emission Fee at proposed $60/ton	2027 Chargeable Emissions (and beyond, tons)	2027 Emission Fee (and beyond) at proposed $62/ton
Agriculture, Forestry, and Fishing	281	$16,298	281	$16,860	281	$17,422
Construction	19	$1,102	19	$1,140	19	$1,178
Finance, Insurance, and Real Estate	11	$638	11	$660	11	$682
Manufacturing	50,957	$2,955,506	50,957	$3,057,420	50,957	$3,159,334
Mining	2,363	$137,054	2,363	$141,780	2,363	$146,506
Public Administration	0	$0	0	$0	0	$0
Retail Trade	3	$174	3	$180	3	$186
Services	874	$50,692	874	$52,440	874	$54,188
Transportation, Communication, Sanitary Services	53,955	$3,129,390	53,955	$3,237,300	53,955	$3,345,210
Wholesale Trade	964	$55,912	964	$57,840	964	$59,768
Grand Total	**109,427**	$6,346,766	**109,427**	$6,565,620	**109,427**	$6,784,474
Emission Fees at $55/ton		$6,018,485		$6,018,485		$6,018,485
Net Emission Fee Increase		$328,281		$547,135		$765,989

Tiered Base Fee Structure

Title V			
Base Fee	**Actual Emission Thresholds**	**Number of Facilities** (2022 Emission year)	
$100	0 to 10 tons	96	$9,600
$250	11 to 20 tons	45	$11,250
$500	21 to 100 tons	130	$65,000
$1,500	101 to 500 tons	51	$76,500
$2,500	501 to 20,000 tons	25	$62,500

Non-Title V			
Base Fee	**Actual Emission Thresholds**		
$50	0 to 0 tons	294	$14,700
$100	1 to 5 tons	907	$90,700
$250	6 to 20 tons	365	$91,250
$500	21 to 20,000 tons	91	$45,500

TOTAL		2004	$467,000

Ten-year total net increase emission fees, including new base fees:

Emission Year 2025: $795,281
Emission Year 2026: $1,014,135
Emission Year 2027: $1,232,989
Emission Year 2028: $1,232,989
Emission Year 2029: $1,232,989
Emission Year 2030: $1,232,989
Emission Year 2031: $1,232,989
Emission Year 2032: $1,232,989
Emission Year 2033: $1,232,989
Emission Year 2034: $1,232,989

Total: $11,673,328
FY 2026: $795,281
Annualized Aggregate FY2027 – FY2035: $1,208,672

Note: All figures are in current 2023-dollar values. No attempt is made to account for interest or inflation.

IV. Assumptions

The projection of chargeable emission tonnage includes the following assumptions:

1. Emission fee remains at $55/ton for emission year 2024. The proposed rule amendment will take effect January 1, 2026, for the 2025 emission year, and include the proposed emission fee of $58/ton for emission year 2025, $60/ton for emission year 2026, and $62/ton for emission years 2027 forward.
2. Rule requirements for the calculation of emissions subject to fees (chargeable emissions) remain unchanged, including the pollutants subject to fees, the emission caps of 4,000 tons per pollutant and 12,000 tons facility total, and facilities exempt from fees (charcoal kilns and facilities with no production and no emissions for the emission year).
3. All sources subject to emission fees will be subject to a base fee as shown in the table, Tiered Base Fee Structure. The fees range from $50 to $2,500 per emission year.
4. Actual emissions for the continuous emission year, corresponding to the calendar year January 1 to December 31, are reported by facilities subject to air permits, per 10 CSR 10-6.110. The emission estimates presented here are based on reported 2022 total chargeable emissions.
5. Emissions were projected for all facilities subject to emission fees in 2022. The beginning year for the projections is the 2022 emission year actual reported emissions from all facilities subject to the rule. No estimates are added for new facilities that may open during the period. All facility emissions are assumed at a constant level at their 2022 emissions beyond that year.
6. The total lifetime rule cost may be reported for rules in the fiscal note. Data is provided for the first ten- year period, with annual data available in the worksheet above if projections are needed beyond ten years. Additional rule analyses are likely as this proposal does not fully meet program solvency needs, and the program is committed to working with fee stakeholders on future solvency issues.
7. All categorization of facilities into private and public ownership are assumed to remain the same as in 2022. No ownership changes from public to private, or vice versa, are expected.
8. All SIC assignments in 2022 are assumed to remain the same in future years.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 10 – Air Conservation Commission
Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.241 Asbestos Projects – Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements. The commission is amending sections (1)–(4).

PURPOSE: This proposed amendment changes the asbestos fee structure pursuant to section 643.079.11, RSMo, to increase the asbestos registration fee, the asbestos notification fee, the inspection fee, and the demolition notification fee. The increased asbestos fees will enable the department's Air Pollution Control Program to maintain its asbestos program to protect the health of Missouri citizens. In addition, definitions specific to the asbestos rules are being added from 10 CSR 10-6.020 Definitions and Common Reference Tables, and the address for the U.S. Government Publishing Office is being updated.

(1) Applicability.

(B) Exemptions. The department may exempt a person from registration, certification, and certain notification requirements provided the person conducts asbestos projects solely at the person's own place of business as part of normal operations in the facility and also is subject to the requirements and applicable standards of the United States Environmental Protection Agency (EPA) and United States Occupational Safety and Health Administration (OSHA) 29 CFR 1926.1101 promulgated as of July 1, *[2018]* **2023,** *[and are]* hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions. This exemption shall not apply to asbestos contractors, to those subject to the requirements of the Asbestos Hazard Emergency Response Act (AHERA), and to those persons who provide a service to the public in their place(s) of business as the economic foundation of the facility. These shall include, but not be limited to, child daycare centers, restaurants, nursing homes, retail outlets, medical care facilities, hotels, and theaters. Business entities that have received state-approved exemption status shall comply with all federal air sampling requirements for their planned renovation operations. The Asbestos Hazard Emergency Response Act as published by the Department of Commerce and Trade October 1986 is incorporated by reference in this rule. Copies can be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. This rule does not incorporate any subsequent amendments or additions.

(2) Definitions.

(A) Asbestos – The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite **(amosite)**, anthophyllite, and actinolite-tremolite.

[(C) Asbestos inspector—An individual who collects and assimilates information used to determine the presence and condition of asbestos-containing material in a facility or other air contaminant source. An asbestos inspector has to hold a diploma from a fully-approved EPA or Missouri-accredited AHERA inspector course and a high school diploma or its equivalent.]

(C) Asbestos abatement project – See asbestos project.

(D) Asbestos-containing material (ACM) – Any material or product which contains more than one percent (1%) asbestos.

(E) Asbestos project – An activity undertaken to remove or encapsulate one hundred sixty (160) square feet or two hundred sixty (260) linear feet or thirty-five (35) cubic feet or more of regulated asbestos-containing materials or demolition of any structure or building or a part of it containing the previously mentioned quantities of asbestos-containing materials.

*[(D)]***(F)** Demolition – The wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

*[(E)]***(G)** Regulated asbestos-containing material (RACM) – Defined as follows:

1. Friable asbestos material;
2. Category I nonfriable ACM that has become friable;
3. Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading; or
4. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this paragraph.

*[(F)]***(H)** Definitions. Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Registration.

1. Any person that conducts an asbestos project shall register with the department. Business entities that qualify for exemption status from the state must reapply for exemption from registration.

2. The person shall apply for registration renewal on an annual basis, and two (2) months before the expiration date shall send the application to the department for processing. The contractor registration application or business exemption information shall be submitted on the forms provided by the department.

3. Annually, the person submitting a registration application to the department shall remit a nonrefundable fee of two thousand six hundred fifty dollars ($2,650) to the department. **Effective January 1, 2026, the registration fee is two thousand nine hundred dollars ($2,900).**

4. To determine eligibility for registration and registration renewal, the department may consider the compliance history of the applicant as well as that of all management employees and officers. The department may also consider the compliance record of any other entity of which those individuals were officers and management employees.

5. Registration may be denied for any one (1) or more of the following reasons:

A. Providing false or misleading statements in the application;

B. Failure to submit a complete application;

C. Three (3) or more citations or violations of existing asbestos regulations within the last two (2) years;

D. Three (3) or more violations of 29 CFR 1910.1001 or 29

CFR 1926.1101 within the last two (2) years.

E. Fraud or failure to disclose facts relevant to their application; and

F. Any other information which may affect the applicant's ability to appropriately perform asbestos work.

(E) Asbestos Project Notification. Any person undertaking an asbestos project shall submit a notification to the department for review at least ten (10) working days prior to the start of the project. Business entities with state-approved exemption status are exempt from notification except for those projects for which notification is required by the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS). The department may waive the ten- (10-)*[-]*working-day review period upon request for good cause. To apply for this waiver, the person shall complete the appropriate sections of the notification form provided by the department. The person who applies for the ten- (10-)*[-]*working-day waiver must obtain approval from the department before the project can begin.

1. The person shall submit the notification by email, U.S. Postal Service, *[FAX]***fax**, or commercial delivery on the form provided by the department.

2. If an amendment to the notification is necessary, the person shall notify the department immediately by email, U.S. Postal Service, commercial delivery, or *[FAX]***fax**.

3. Asbestos project notifications shall state actual dates and times of the project, the on-site supervisor, and a description of work practices. If the person must revise the dates and times of the project, the person shall notify the department and the regional office or the appropriate local delegated enforcement agency at least twenty-four (24) hours in advance of the change by email, U.S. Postal Service, commercial delivery, or *[FAX]***fax**.

4. A nonrefundable notification fee of two hundred dollars ($200) will be charged for each project constituting one hundred sixty (160) square feet, two hundred sixty (260) linear feet, or thirty-five (35) cubic feet or greater. **Effective January 1, 2026, the notification fee is two hundred forty dollars ($240).** If an asbestos project is in an area regulated by an authorized local air pollution control agency, and the person is required to pay notification fees to that agency, the person is exempt from paying the state fees. Persons conducting planned renovation projects determined by the department to fall under EPA's 40 CFR part 61 subpart M as specified in 10 CSR 10-6.080(3)(A) must pay this fee and the inspection fees required in subsection (3)(F) of this rule.

5. Emergency project. Any person undertaking an emergency asbestos project shall notify the department within twenty-four (24) hours of the onset of the project by telephone or by email and must receive departmental approval of emergency status. Business entities with state-approved exemption status are exempt from emergency notification for state-approved projects that are part of a NESHAPS planned renovation annual notification. If the emergency occurs after normal working hours or weekends, the person shall contact the Environmental Services Program. The notice shall provide—

A. A description of the nature and scope of the emergency;

B. A description of the measures immediately used to mitigate the emergency; and

C. A schedule for removal. Following the emergency notice, the person shall provide to the director a notification on the form provided by the department and submit it to the director within seven (7) days of the onset of the emergency. The amendment requirements for notification found in subsection (3)(E) of this rule are applicable to emergency projects.

(F) Inspections. There shall be a charge of two hundred dollars ($200) per inspection for the first two (2) inspections of any asbestos project. **Effective January 1, 2026, the inspection fee is two hundred thirty dollars ($230) per inspection for the first two (2) inspections.** The department or the local delegated enforcement agency shall bill the person for that inspection(s) and the person shall submit the fee(s) within sixty (60) days of the date of the invoice, or sooner, if required by a local delegated enforcement agency within its area of jurisdiction.

(I) Demolition. A nonrefundable notification fee of one hundred dollars ($100) will be charged for each demolition regulated under 10 CSR 10-6.080. **Effective January 1, 2026, the notification fee is one hundred twenty dollars ($120).** If a demolition is in an area regulated by an authorized local air pollution control agency and the person is required to pay notification fees to that agency, the person is exempt from paying the state fees.

(4) Reporting and Record Keeping.

(B) Additional Record Keeping. The contractor and the owner shall keep the air monitoring results for three (3) years and make the results available to representatives of the department upon request. All AHERA projects shall comply with EPA air monitoring requirements in 40 CFR part 763 promulgated as of July 1, *[2018]* **2023,** and are hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401.]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.** This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 643.225, RSMo 2016**, and section 643.079, RSMo Supp. 2023**. Original rule filed Jan. 12, 2004, effective Sept. 30, 2004. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 13, 2024.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions three thousand three hundred twenty-five dollars ($3,325) in FY 2026. For the years after FY 2026, the total annual cost is six thousand six hundred fifty dollars ($6,650) for the life of the rule.

PRIVATE COST: This proposed amendment will cost private entities nineteen thousand four hundred seventy-five dollars ($19,475) in FY 2026. For the years after FY 2026, the total annual cost is thirty-eight thousand nine hundred fifty dollars ($38,950) for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9 a.m., Aug. 29, 2024. The public hearing will be held at Burr Oak Woods Conservation Area, 1401 NW Park Rd., Blue Springs, Missouri, and online with live video conferencing during the Missouri Air Conservation Commission meeting. Meeting participants can join the video meeting via https://dnr.mo.gov/calendar/event/244681. Participants may also join the meeting by phone using the toll number 1-650-479-3207. For assistance joining the meeting, call the Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817 or (800) 361-4827. A recording of the public hearing

will be available at https://dnr.mo.gov/commissions-boards-councils/air-conservation-commission. Opportunity to be sworn in by the court reporter in person, over video, or by phone to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5 p.m., Sept. 5, 2024. Send online comments via the proposed rules web page at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN, email comments to apcprulespn@dnr.mo.gov, or mail written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	10 CSR 10-6.241 Asbestos Projects—Registration, Notification and Performance Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
28 Asbestos Training Providers, None of which are Public Entities	$ 6,650 Annualized Aggregate $ 33,250 for Projected 5-Year Life
115 Asbestos Contractors, 1 of which is a Public Entity	
3,137 Asbestos Occupation Certifications, 79 of which are Public Entities	

III. WORKSHEET

Table 1. Total Projected Asbestos Fees for Public and Private Entities Combined

Fiscal Year	Type of Fee	Number of Registrations/ Inspections/ Notifications	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to fee increases
2026 (1/1 - 6/30/26)	Asbestos Registration Fee	58	$168,200	$153,700	$14,500
2026 (1/1 - 6/30/26)	Asbestos Inspection Fee	19	$4,370	$3,800	$570
2026 (1/1 - 6/30/26)	Asbestos Abatement Notification Fee	81	$19,440	$16,200	$3,240
2026 (1/1 - 6/30/26)	Asbestos Demolition Fee	230	$27,600	$23,000	$4,600
2027	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2027	Asbestos Inspection Fee	38	$8,740	$7,600	$1,140
2027	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2027	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2028	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2028	Asbestos Inspection Fee	86	$8,740	$7,600	$1,140
2028	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2028	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2029	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2029	Asbestos Inspection Fee	38	$8,740	$7,600	$1,140
2029	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2029	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2030	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2030	Asbestos Inspection Fee	38	$8,740	$7,600	$1,140
2030	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2030	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2031 (7/1 - 12/31/31)	Asbestos Registration Fee	57	$165,300	$151,050	$14,250
2031 (7/1 - 12/31/31)	Asbestos Inspection Fee	19	$4,370	$3,800	$570
2031 (7/1 - 12/31/31)	Asbestos Abatement Notification Fee	81	$19,440	$16,200	$3,240
2031 (7/1 - 12/31/31)	Asbestos Demolition Fee	229	$27,480	$22,900	$4,580

1 = Number of Public Entity Registrations per Year 15 = Number of Public Entity Inspections per Year
68 = Number of Public Entity Abatement Notifications per Year 159 = Number of Public Entity Demolitions per Year

Table 2. Projected Total Asbestos Fees Collected for Public Entities (with new fees)

		FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 - 12/31/31)	5-Year Cost
Asbestos Registration	Number of Registrations	1	1	1	1	1	1	--
	Fees Collected	$2,900	$2,900	$2,900	$2,900	$2,900	$2,900	$17,400
Asbestos Inspection	Number of Inspections	8	15	15	15	15	7	--
	Fees Collected	$1,840	$3,450	$3,450	$3,450	$3,450	$1,610	$17,250
Abatement Notification	Number of Notifications	34	68	68	68	68	34	--
	Fees Collected	$8,160	$16,320	$16,320	$16,320	$16,320	$8,160	$81,600
Demolition	Number of Demolitions	80	159	159	159	159	79	--
	Fees Collected	$9,600	$19,080	$19,080	$19,080	$19,080	$9,480	$95,400
					Total Fees With New Fee			$211,650

Table 3. Projected Total Asbestos Fees Collected for Public Entities (with existing fees)

		FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 - 12/31/31)	5-Year Cost
Asbestos Registration	Number of Registrations	1	1	1	1	1	1	--
	Fees Collected	$2,650	$2,650	$2,650	$2,650	$2,650	$2,650	$15,900
Asbestos Inspection	Number of Inspections	8	15	15	15	15	7	--
	Fees Collected	$1,600	$3,000	$3,000	$3,000	$3,000	$1,400	$15,000
Abatement Notification	Number of Notifications	34	68	68	68	68	34	--
	Fees Collected	$6,800	$13,600	$13,600	$13,600	$13,600	$6,800	$68,000
Demolition	Number of Demolitions	80	159	159	159	159	79	--
	Fees Collected	$8,000	$15,900	$15,900	$15,900	$15,900	$7,900	$79,500
					Total Fees With Existing Fee			$178,400

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	$33,250

Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	$6,650

*The first full fiscal year for this rulemaking is 2027.
**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:
Asbestos Registration >> $2650 fee to $2900. Asbestos Inspection >> $200 fee to $230.
Abatement Notification >> $200 fee to $240.
Demolition >> $100 fee to $120.

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The total numbers of registration is based on a three-year average for calendar years 2021 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

3. The total numbers of inspections is based on a four-year average for calendar years 2018 through 2022 because it is the most recent data that contains no atypical yearly values. Data from calendar year 2020 was excluded since it contained atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

4. The total numbers of asbestos abatements is based on a four-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

5. The total number of demolitions is based on a three-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

6. The numbers of public entity registration is based on a three-year average for calendar years 2021 through

2023 because it is the most recent data that contains no atypical yearly values. Two of the three Missouri registered asbestos contractors who are public entities decided not to renew their registration between 2021 and 2023 as they no longer need the registration. These values are estimated to remain constant through fiscal year 2031.

7. The numbers of public entity inspections is based on a four-year average for calendar years 2018 through 2022 because it is the most recent data that contains no atypical yearly values. Data from calendar year 2020 was excluded since it contained atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

8. The numbers of public entity asbestos abatements is based on a four-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

9. The numbers of public entity demolitions is based on a three-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

10. Asbestos registration fees are based on $2,900 per application registration fee effective January 1, 2026. This fee represents a $250 increase from the fee of $2,650 per application prior to January 1, 2026.

11. Asbestos inspection fees are based on $230 per inspection effective January 1, 2026. This fee represents a $30 increase from the fee of $200 per inspection prior to January 1, 2026.

12. Asbestos abatement notification fees are based on $240 per notification effective January 1, 2026. This fee represents a $40 increase from the fee of $200 per notification prior to January 1, 2026.

13. The demolition notification fees are based on $120 per notification effective January 1, 2026. This fee represents a $20 increase from the fee of $100 per notification prior to January 1, 2026.

14. The aggregate gain in private entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by private entities paying asbestos fees.

15. Fee collection amounts for FY 2026 through 2031 are based on an average of 115 registrations per year (1 from public entities), 38 inspections per year (15 from public entities), 162 abatement notifications per year (68 from public entities), and 459 demolitions per year (159 from public entities).

16. The fees collected are uniformly distributed throughout the fiscal years.

17. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Title:	10 CSR 10-6.241 Asbestos Projects—Registration, Notification and Performance Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
28 (All are Private Entities)	Asbestos Training Providers	$ 38,950 Annualized Aggregate $ 194,750 for Projected 5-Year Life
115 (of which 114 are Private Entities)	Asbestos Contractors	
3,137 Asbestos Occupation Certifications, (3,058 of which are Private Entities)	Asbestos Workers and Supervisors	

III. WORKSHEET

Current Average Annual Asbestos Registration Revenue (5-Year Average) = $304,750; Current Asbestos Registration Fee = $2,650; Proposed Asbestos Registration Fee = $2,900

Current Average Annual Asbestos Inspection Revenue (5-Year Average) = $7,600; Current Asbestos Inspection Fee = $200; Proposed Asbestos Inspection Fee = $230

Current Average Annual Asbestos Abatement Notification Revenue (5-Year Average) = $32,400; Current Asbestos Abatement Notification Fee = $200; Proposed Asbestos Abatement Notification Fee = $240

Current Average Annual Asbestos Demolition Notification Revenue (5-Year Average) = $45,900; Current Asbestos Demolition Notification Fee = $100; Proposed Asbestos Demolition Notification Fee = $120

Table 1. Total Projected Asbestos Fees for Public and Private Entities Combined

Fiscal Year	Type of Fee	Number of Registrations/ Inspections/ Notifications	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2026 (1/1 - 6/30/26)	Asbestos Registration Fee	58	$168,200	$153,700	$14,500
2026 (1/1 - 6/30/26)	Asbestos Inspection Fee	19	$4,370	$3,800	$570
2026 (1/1 - 6/30/26)	Asbestos Abatement Notification Fee	81	$19,440	$16,200	$3,240
2026 (1/1 - 6/30/26)	Asbestos Demolition Fee	230	$27,600	$23,000	$4,600
2027	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2027	Asbestos Inspection Fee	38	$8,740	$7,600	$1,140
2027	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2027	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2028	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2028	Asbestos Inspection Fee	86	$8,740	$7,600	$1,140
2028	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2028	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2029	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2029	Asbestos Inspection Fee	38	$8,740	$7,600	$1,140
2029	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2029	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2030	Asbestos Registration Fee	115	$333,500	$304,750	$28,750
2030	Asbestos Inspection Fee	38	$8,740	$7,600	$1,140
2030	Asbestos Abatement Notification Fee	162	$38,880	$32,400	$6,480
2030	Asbestos Demolition Fee	459	$55,080	$45,900	$9,180
2031 (7/1 - 12/31/31)	Asbestos Registration Fee	57	$165,300	$151,050	$14,250
2031 (7/1 - 12/31/31)	Asbestos Inspection Fee	19	$4,370	$3,800	$570
2031 (7/1 - 12/31/31)	Asbestos Abatement Notification Fee	81	$19,440	$16,200	$3,240
2031 (7/1 - 12/31/31)	Asbestos Demolition Fee	229	$27,480	$22,900	$4,580

114 = Number of Private Entity Registrations per Year 23 = Number of Private Entity Inspections per Year
94 = Number of Private Entity Abatement Notifications per Year 300 = Number of Private Entity Demolitions per Year

Table 2. Projected Total Asbestos Fees Collected for Private Entities (with new fees)

		FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 - 12/31/31)	5-Year Cost
Asbestos Registration	Number of Registrations	57	114	114	114	114	57	--
	Fees Collected	$165,300	$330,600	$330,600	$330,600	$330,600	$165,300	$1,653,000
Asbestos Inspection	Number of Inspections	12	23	23	23	23	11	--
	Fees Collected	$2,760	$5,290	$5,290	$5,290	$5,290	$2,530	$26,450
Abatement Notification	Number of Notifications	47	94	94	94	94	47	--
	Fees Collected	$11,280	$22,560	$22,560	$22,560	$22,560	$11,280	$112,800
Demolition	Number of Demolitions	150	300	300	300	300	150	--
	Fees Collected	$18,000	$36,000	$36,000	$36,000	$36,000	$18,000	$180,000
					Total Fees With New Fee			$1,972,250

Table 3. Projected Total Asbestos Fees Collected for Private Entities (with existing fees)

		FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 - 12/31/31)	5-Year Cost
Asbestos Registration	Number of Registrations	57	114	114	114	114	57	--
	Fees Collected	$151,050	$302,100	$302,100	$302,100	$302,100	$151,050	$1,510,500
Asbestos Inspection	Number of Inspections	12	23	23	23	23	11	--
	Fees Collected	$2,400	$4,600	$4,600	$4,600	$4,600	$2,200	$23,000
Abatement Notification	Number of Notifications	47	94	94	94	94	47	--
	Fees Collected	$9,400	$18,800	$18,800	$18,800	$18,800	$9,400	$94,000
Demolition	Number of Demolitions	150	300	300	300	300	150	--
	Fees Collected	$15,000	$30,000	$30,000	$30,000	$30,000	$15,000	$150,000
					Total Fees With Existing Fee			$1,777,500

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	$194,750

Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	$38,950

*The first full fiscal year for this rulemaking is 2027.
**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:
Asbestos Registration >> $2650 fee to $2900. Asbestos Inspection >> $200 fee to $230. Abatement Notification >> $200 fee to $240.
Demolition >> $100 fee to $120.

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The total numbers of registration is based on a three-year average for calendar years 2021 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

3. The total numbers of inspections is based on a four-year average for calendar years 2018 through 2022 because it is the most recent data that contains no atypical yearly values. Data from calendar year 2020 was excluded since it contained atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

4. The total numbers of asbestos abatements is based on a four-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

5. The total number of demolitions is based on a three-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

6. The numbers of private entity registration is based on a three-year average for calendar years 2021 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to

remain constant through fiscal year 2031.

7. The numbers of private entity inspections is based on a four-year average for calendar years 2018 through 2022 because it is the most recent data that contains no atypical yearly values. Data from calendar year 2020 was excluded since it contained atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

8. The numbers of private entity asbestos abatements is based on a four-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

9. The numbers of private entity demolitions is based on a three-year average for calendar years 2020 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

10. Asbestos registration fees are based on $2,900 per application registration fee effective January 1, 2026. This fee represents a $250 increase from the fee of $2,650 per application prior to January 1, 2026.

11. Asbestos inspection fees are based on $230 per inspection effective January 1, 2026. This fee represents a $30 increase from the fee of $200 per inspection prior to January 1, 2026.

12. Asbestos abatement notification fees are based on $240 per notification effective January 1, 2026. This fee represents a $40 increase from the fee of $200 per notification prior to January 1, 2026.

13. The demolition notification fees are based on $120 per notification effective January 1, 2026. This fee represents a $20 increase from the fee of $100 per notification prior to January 1, 2026.

14. The aggregate gain in private entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by private entities paying asbestos fees.

15. Fee collection amounts for FY 2026 through 2031 are based on an average of 115 registrations per year (114 from private entities), 38 inspections per year (23 from private entities), 162 abatement notifications per year (94 from private entities), and 459 demolitions per year (300 from private entities).

16. The fees collected are uniformly distributed throughout the fiscal years.

17. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 10 – Air Conservation Commission
Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.250 Asbestos Projects – Certification, Accreditation and Business Exemption Requirements. The commission is amending sections (2)–(3).

PURPOSE: This proposed amendment changes the asbestos fee structure pursuant to section 643.079.11, RSMo, to increase the asbestos worker certification fee, the asbestos air sampling professional certification fee, the non-asbestos worker and non-asbestos air sampling professional certification fee, the asbestos worker recertification fee, the non-asbestos worker recertification fee, the asbestos accreditation fee, and the asbestos accreditation fee cap for all course categories for which accreditation is requested at the same time. The increased asbestos fees will enable the department's Air Pollution Control Program to maintain its asbestos program to protect the health of Missouri citizens. In addition, definitions specific to the asbestos rules are being added from 10 CSR 10-6.020 Definitions and Common Reference Tables, and the address for the U.S. Government Publishing Office is being updated.

(2) Definitions.

(A) Asbestos – The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite **(amosite)**, anthophyllite, and actinolite-tremolite.

(B) Asbestos abatement – The encapsulation, enclosure, or removal of asbestos-containing materials in or from a facility or air contaminant source; or preparation of regulated asbestos-containing material prior to demolition or renovation.

(C) Asbestos abatement contractor – Any person who by agreement, contractual or otherwise, conducts asbestos abatement projects at a location other than his/her own place of business.

(D) Asbestos abatement project – See asbestos project.

(E) Asbestos-containing material (ACM) – Any material or product which contains more than one percent (1%) asbestos.

(F) Asbestos inspector – An individual who collects and assimilates information used to determine the presence and condition of asbestos-containing material in a facility or other air contaminant source. An asbestos inspector has to hold a diploma from a fully-approved EPA or Missouri-accredited AHERA inspector course and a high school diploma or its equivalent.

(G) Asbestos project – An activity undertaken to remove or encapsulate one hundred sixty (160) square feet or two hundred sixty (260) linear feet or thirty-five (35) cubic feet or more of regulated asbestos-containing materials or demolition of any structure or building or a part of it containing the previously mentioned quantities of asbestos-containing materials.

*[(B)]***(H)** Facility – Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this *[subpart]***subsection** is not excluded, regardless of its current use or function.

*[(C)]***(I)** Definitions. Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Certification.

1. An individual must receive certification from the department before that individual participates in an asbestos project, inspection, AHERA management plan, abatement project design, or asbestos air sampling in the state of Missouri. This certification must be renewed annually with the exception of air sampling professionals. To become certified an individual must meet the qualifications in the specialty area as defined in the EPA's AHERA Model Accreditation Plan, 40 CFR part 763, Appendix C, subpart E promulgated as of July 1, *[2018]* **2023, *[and]*** hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions. The individual must successfully complete a fully*[-]*approved U.S. Environmental Protection Agency (EPA) or Missouri-accredited AHERA training course and pass the training course exam and pass the Missouri asbestos examination with a minimum score of seventy percent (70%) and submit a completed department-supplied application form to the department along with the appropriate certification fees. The department shall issue a certificate to each individual that meets the requirements for the job category.

2. In order to receive Missouri certification, individuals must be trained by Missouri accredited providers.

3. Qualifications. An individual shall present proof of these to the department with the application for certification. The following are the minimum qualifications for each job category:

A. An asbestos air sampling professional conducts, oversees, or is responsible for air monitoring of asbestos projects. Air sampling professionals must satisfy one (1) of the following qualifications for certification:

(I) Bachelor of science degree in industrial hygiene plus one (1) year of field experience. The individual must provide a copy of his/her diploma, a certified copy of his/her transcript, and documentation of one (1) year of experience;

(II) Master of science degree in industrial hygiene. The individual must provide a copy of his/her diploma and a certified copy of his/her transcript;

(III) Certification as an industrial hygienist as designated by the American Board of Industrial Hygiene. The individual must provide a copy of his/her certificate and a certified copy of his/her transcript, if applicable;

(IV) Three (3) years of practical industrial hygiene field experience including significant asbestos air monitoring and completion of a forty- (40-)*[-]*hour asbestos course including air monitoring instruction. At least fifty percent (50%) of the three- (3-)*[-]*year period must have been on projects where

a degreed or certified industrial hygienist or a Missouri certified asbestos air sampling professional was involved. The individual must provide to the department written reference by the industrial hygienist or the asbestos air sampling professional stating the individual's performance of monitoring was acceptable and that the individual is capable of fulfilling the responsibilities associated with certification as an asbestos air sampling professional. The individual must also provide documentation of his/her experience and a copy of his/her asbestos course certificate; or

(V) Other qualifications including*[,]* but not limited to*[,]* an American Board of Industrial Hygiene accepted degree or a health/safety related degree combined with related experience. The individual must provide a copy of his/her diploma and/or certification, a certified copy of his/her transcript, and letters necessary to verify experience;

B. An asbestos air sampling technician is an individual who has been trained by an air sampling professional to do air monitoring and who conducts air monitoring of asbestos projects. Air sampling technicians need not be certified but are required to pass a training course and have proof of passage of the course at the site along with photo identification. This course shall include*[:]*—

(I) Air monitoring equipment and supplies;

(II) Experience with pump calibration and location;

(III) Record keeping of air monitoring data for asbestos projects;

(IV) Applicable asbestos regulations;

(V) Visual inspection for final clearance sampling; and

(VI) A minimum of sixteen (16) hours of air monitoring field equipment training by a certified air sampling professional;

C. An asbestos inspector is an individual who collects and assimilates information used to determine the presence and condition of asbestos-containing material in a building or other air contaminant source. An asbestos inspector must hold a diploma from a fully*[-]*approved EPA or Missouri-accredited AHERA inspector course and a high school diploma or its equivalent;

D. An AHERA asbestos management planner is an individual who, under AHERA, reviews the results of inspections, reinspections, or assessments and writes recommendations for appropriate response actions. An AHERA asbestos management planner must hold diplomas from a fully*[-]*approved EPA or Missouri-accredited AHERA inspector course and a fully approved EPA or Missouri-accredited management planner course. The individual must also hold a high school diploma or its equivalent;

E. An abatement project designer is an individual who designs or plans asbestos abatement. An abatement project designer must—

(I) Have a diploma from a fully*[-]*approved EPA or Missouri-accredited project designer course;

(II) Have an engineering or industrial hygiene degree;

(III) Have working knowledge of heating, ventilation, and air conditioning systems;

(IV) Hold a high school diploma or its equivalent; and

(V) Have at least four (4) years experience in building design, heating, ventilation, and air conditioning systems. The department may require individuals with professional degrees for complex asbestos projects;

F. An asbestos supervisor is an individual who directs, controls, or supervises others in asbestos projects. An asbestos supervisor shall—

(I) Hold a diploma from a fully*[-]*approved EPA or Missouri-accredited AHERA abatement contractor/supervisor course; and

(II) Have one (1) year full-time prior experience in asbestos abatement work or in general construction work; and

G. An asbestos abatement worker is an individual who engages in asbestos projects. An asbestos abatement worker shall—

(I) Hold a diploma from a fully*[-]*approved EPA; or

(II) Missouri-accredited AHERA worker training course.

4. Certification may be denied for any one (1) or more of the following:

A. Failure to meet minimum training, education, or experience requirements;

B. Providing false or misleading statements in the application;

C. Failure to submit a complete application;

D. Three (3) or more citations or violations of existing asbestos regulations within the last two (2) years;

E. Three (3) or more violations of 29 CFR 1910.1001 or 29 CFR 1926.1101 within the last two (2) years. 29 CFR 1910.1001 and 29 CFR 1926.1101 promulgated as of July 1, *[2018]* **2023,** are hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions;

F. Fraud or failure to disclose facts relevant to their application;

G. Permitting the duplication or use by another of the individual's certificate; and

H. Any other information which may affect the applicant's ability to appropriately perform asbestos work.

(B) Recertification.

1. All asbestos inspectors, management planners, abatement project designers, supervisors, and workers shall pass a Missouri-accredited annual AHERA refresher course and examination in their specialty area. The refresher course must be specific to the individual's initial certification and must meet the requirements of the EPA's AHERA Model Accreditation Plan 40 CFR part 763 promulgated as of July 1, *[2018]* **2023,** *[and]* hereby incorporated by reference as published by the Office of the Federal Register. Copies can be obtained from the U.S. **Government** Publishing Office *[Bookstore, 710 N. Capitol Street NW, Washington, DC 20401]* **at https://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000**. This rule does not incorporate any subsequent amendments or additions.

2. In the case of significant changes in Missouri statutes or rules the department will require individuals to retake a revised version of the Missouri asbestos examination prior to being recertified.

(C) Certification/Recertification Fees. The department shall assess—

1. A *[seventy-five]* **one-hundred-dollar** ($*[75]* **100**) application fee for each individual applying for certification except for asbestos abatement workers**, asbestos air sampling professionals, and asbestos air sampling technicians**. Effective January 1, *[2017]* **2026**, the application fee is one hundred **ten** dollars ($*[100]* **110)**;

2. A *[twenty-five]* **forty**-dollar ($*[25]* **40**) application fee for

each asbestos abatement worker. Effective January 1, *[2017]* **2026**, the application fee is *[forty]* **fifty** dollars ($*[40]* **50**);

3. **A one-hundred-dollar ($100) application fee for asbestos air sampling professional certification. Effective January 1, 2026, the application fee for asbestos air sampling professional certification is three hundred dollars ($300). No renewal fees for asbestos air sampling professionals.** No application **or renewal** fees for asbestos air sampling technicians;

4. A twenty-five-dollar ($25) fee for each Missouri asbestos examination;

5. A *[five]* **twenty**-dollar ($*[5]* **20**) renewal fee for each renewal certificate for asbestos abatement workers. Effective January 1, *[2017]* **2026**, the renewal fee is *[twenty]* **thirty** dollars ($*[20]* **30**); and

6. A *[five]* **fifty**-dollar ($5**0**) renewal fee for each renewal certificate for non-asbestos abatement workers. Effective January 1, *[2017]* **2026**, the renewal fee is *[fifty]* **sixty** dollars ($*[50]* **60**).

(D) Accreditation of Training Programs. To be a training provider for the purposes of this rule, a person shall apply for accreditation to the department and comply with EPA's AHERA Model Accreditation Plan 40 CFR part 763, Appendix C, subpart E as incorporated by reference in paragraph (3)(B)1. of this rule. Business entities that are determined by the department to fall under subsection (3)(E) of this rule are exempt from this section.

1. Training providers shall apply for approval of a training course(s) as provided in section 643.228, RSMo, on the department-supplied Asbestos Training Course Accreditation form.

A. In addition to the written application, the training provider shall present each initial course for the department to audit. The department may deny accreditation of a course if the applicant fails to provide information required within sixty (60) days of receipt of written notice that the application is deficient. All training providers must apply for reaccreditation biennially.

B. Training providers must submit documentation that their courses meet the criteria set forth in this rule. Out-of-state providers must submit documentation of biennial audit by an accrediting agency with a written verification that Missouri rules are addressed in the audited course.

C. Providers must pay an accreditation fee of one thousand dollars ($1,000) per course category prior to issuance or renewal of an accreditation. **Effective January 1, 2026, the accreditation fee is one thousand one hundred fifty dollars ($1,150).** No person shall pay more than three thousand dollars ($3,000) for all course categories for which accreditation is requested at the same time. **Effective January 1, 2026, the accreditation fee cap is three thousand four hundred fifty dollars ($3,450).**

2. At least two (2) weeks prior to the course starting date, training providers shall notify the department of their intent to offer initial training and refresher courses. The notification shall include the course title, starting date, the location at which the course will take place, and a list of the course instructors.

3. All training courses shall have a ratio of students to instructors in hands-on demonstrations that shall not exceed ten-to-one (10:1).

4. Instructor qualifications.

A. An individual must be Missouri-certified in a specialty area before they will be allowed to teach in that specialty area, except that instructors certified as supervisors may also instruct a worker course.

B. An individual with experience and education in industrial hygiene shall teach the sections of the training courses concerning the performance and evaluation of air monitoring programs and the design and implementation of respiratory protection programs. The department does not require that the instructor hold a degree in industrial hygiene, but the individual must provide documentation and written explanation of experience and training.

C. An individual who is a Missouri-certified supervisor, and who has sufficient training and work experience to effectively present the assigned subject matter, shall teach the hands-on training sections of all courses.

D. An individual who teaches the portions of the project designer's course involving heating, ventilation, and air conditioning (HVAC) systems, must—

(I) Be a licensed architect or a licensed engineer; or

(II) Must provide documentation of training and at least five (5) years' experience in the field.

5. The course provider must administer and monitor all course examinations. The course provider assumes responsibility for the security of exam contents and shall ensure that the participant passes the exam on his/her own merit. Minimum security measures for the written exams include ample space between participants, absence of written materials other than the examination and supervision of the exam by course provider.

6. When the provider offers training on short notice, the training provider shall notify the department as soon as possible but no later than two (2) days prior to commencement of that training.

7. When the provider cancels the course, the training provider should notify the department at the same time s/he notifies course participants, and shall follow-up with written notification.

8. When rules, policies, or procedures change, the training provider must update the initial and refresher courses. The training provider must notify the department as soon as s/he makes the changes.

9. The department may withdraw accreditation from providers who fail to accurately portray their Missouri accreditation in advertisements, who fail to ensure security of examinations, who fail to ensure that each student passes the exam on his/her own merit, or who issue improper certificates.

10. Training course providers must notify the department of any changes in training course content or instructors. Training course providers must submit resumés of all new instructors to the department as soon as substitutions or additions are made.

11. The department may revoke or suspend accreditation of any course subject to this rule if alterations in the course cause it to fail the department's accreditation criteria.

12. Training providers shall have thirty (30) days to correct identified deficiencies in training course(s) before the department revokes accreditation.

*AUTHORITY: section 643.225, RSMo 2016**, and section 643.079, RSMo Supp. 2023**. Original rule filed Dec. 14, 1992, effective Sept. 9, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 13, 2024.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions three hundred ninety-five dollars ($395) in FY 2026. For the years after FY 2026, the total annual cost is seven hundred ninety dollars ($790) for the life of the rule.

PRIVATE COST: This proposed amendment will cost private

entities eighteen thousand seven hundred five dollars ($18,705) in FY 2026. For the years after FY 2026, the total annual cost is thirty-seven thousand four hundred ten dollars ($37,410) for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9 a.m., Aug. 29, 2024. The public hearing will be held at Burr Oak Woods Conservation Area, 1401 NW Park Rd., Blue Springs, Missouri, and online with live video conferencing during the Missouri Air Conservation Commission meeting. Meeting participants can join the video meeting via https://dnr.mo.gov/calendar/event/244681. Participants may also join the meeting by phone using the toll number 1-650-479-3207. For assistance joining the meeting, call the Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817 or (800) 361-4827. A recording of the public hearing will be available at https://dnr.mo.gov/commissions-boards-councils/air-conservation-commission. Opportunity to be sworn in by the court reporter in person, over video, or by phone to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5 p.m., Sept. 5, 2024. Send online comments via the proposed rules web page at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN, email comments to apcprulespn@dnr.mo.gov, or mail written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE
PUBLIC COST

I. RULE NUMBER

Rule Number and Title:	10 CSR 10-6.250 Asbestos Projects—Certification, Accreditation and Business Exemption Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
28 Asbestos Training Providers, None of Which are Public	VIII. $ 790 Annualized Aggregate IX. $ 3,950 for Projected 5-Year Life
115 Asbestos Contractors, 1 of Which is Public	
3137 Asbestos Occupation Certifications, 79 of which are Public	

III. WORKSHEET

Current Average Annual Asbestos Worker Certification Revenue (5-Year Average) = $20,120
Current Asbestos Worker Certification Fee = $40
Proposed Asbestos Worker Certification Fee = $50

Current Average Annual Asbestos Air Sampling Professional Certification Revenue (5-Year Average) = $1,200
Current Asbestos Air Sampling Professional Certification Fee = $100
Proposed Asbestos Air Sampling Professional Certification Fee = $200

Current Average Annual Non-Asbestos Worker or Non-Asbestos Air Sampling Professional Certification Revenue (5-Year Average) = $29,500
Current Non-Asbestos Worker or Non-Asbestos Air Sampling Professional Certification Fee = $100
Proposed Non-Asbestos Worker or Non-Asbestos Air Sampling Professional Certification Fee = $110

Current Average Annual Asbestos Worker Recertification Revenue (5-Year Average) = $15,504
Current Asbestos Worker Recertification Fee = $20
Proposed Asbestos Worker Recertification Fee = $30

Current Average Annual Non-Asbestos Worker Recertification Revenue (5-Year Average) = $84,000
Current Non-Asbestos Worker Recertification Fee = $50
Proposed Non-Asbestos Worker Recertification Fee = $60

Current Average Annual Asbestos Training Course Accreditation Revenue (5-Year Average) = $31,500
Current Asbestos Training Course Accreditation Fee Per Course Category = $1,000
Proposed Asbestos Training Course Accreditation Fee Per Course Category = $1,150
Current Asbestos Training Course Accreditation Fee Cap Per Review Period = $3,000
Proposed Asbestos Training Course Accreditation Fee Cap Per Review Period = $3,450

Table 1. Total Projected Asbestos Fees for Public and Private Entities Combined

Fiscal Year	Type of Fee	Number of Certifications/ Recertifications/ Exams/ Accreditations/ Exemptions	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2026 (1/1 - 6/30/26)	Asbestos Worker Certification Fee	252	$12,575	$10,060	$2,515
2026 (1/1 - 6/30/26)	Air Sampling Professional Worker Certification Fee	6	$1,800	$600	$1,200
2026 (1/1 - 6/30/26)	Non-Asbestos Worker or Air Sampling Professional Certification Fee	148	$16,225	$14,750	$1,475
2026 (1/1 - 6/30/26)	Asbestos Worker Recertification Fee	323	$9,690	$6,460	$1,938
2026 (1/1 - 6/30/26)	Non-Asbestos Worker Recertification Fee	840	$50,400	$42,000	$8,400
2026 (1/1 - 6/30/26)	Asbestos Training Course Category Accreditation Fee	21	$24,150	$21,000	$3,150
2027	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2027	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400

2027	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2027	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2027	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2027	Asbestos Training Course Category Accreditation Fee	37	$42,550	$37,000	$5,550
2028	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2028	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400
2028	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2028	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2028	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2028	Asbestos Training Course Category Accreditation Fee	26	$29,900	$26,000	$3,900
2029	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2029	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400
2029	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2029	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2029	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2029	Asbestos Training Course Category Accreditation Fee	37	$42,550	$37,000	$5,550
2030	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2030	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400
2030	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2030	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2030	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2030	Asbestos Training Course Category Accreditation Fee	26	$29,900	$26,000	$3,900
2031 (7/1 - 12/31/31)	Asbestos Worker Certification Fee	252	$12,575	$10,060	$2,515
2031 (7/1 - 12/31/31)	Air Sampling Professional Worker Certification Fee	6	$1,800	$600	$1,200
2031 (7/1 - 12/31/31)	Non-Asbestos Worker or Air Sampling Professional Certification Fee	148	$16,225	$14,750	$1,475
2031 (7/1 - 12/31/31)	Asbestos Worker Recertification Fee	323	$9,690	$6,460	$1,938
2031 (7/1 - 12/31/31)	Non-Asbestos Worker Recertification Fee	840	$50,400	$42,000	$8,400
2031 (7/1 - 12/31/31)	Asbestos Training Course Category Accreditation Fee	5	$5,750	$5,000	$750

0 = Number of Public Entity Asbestos Worker Certifications per Year
0 = Number of Public Entity Asbestos Air Sampling Professional Certifications per Year
7 = Number of Public Entity Non-Asbestos Worker Certifications per Year
0 = Number of Public Entity Asbestos Worker Recertifications per Year
72 = Number of Public Entity Non-Asbestos Worker Recertifications per Year
0 = Number of Public Entity Asbestos Training Course Accreditations per Year

Table 2. Projected Total Asbestos Fees Collected for Public Entities (with new fees)

		FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 - 12/31/31)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
Asbestos Air Sampling Professional Certification	Number of Certifications	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
Non-Asbestos Worker or Air Sampling Professional Certification	Number of Certifications	4	7	7	7	7	3	--
	Fees Collected	$440	$770	$770	$770	$770	$330	$3,850
Asbestos Worker Recertification	Number of Recertifications	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
Non-Asbestos Worker Recertification	Number of Recertifications	36	72	72	72	72	36	--
	Fees Collected	$2,160	$4,320	$4,320	$4,320	$4,320	$2,160	$21,600
Asbestos Training Course Category Accreditation	Number of Accreditations with Fees Collected	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
					Total Fees with New Fee			$25,450

Table 3. Projected Total Asbestos Fees Collected for Public Entities (with existing fees)

		FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 - 12/31/31)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
Asbestos Air Sampling Professional Certification	Number of Certifications	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
Non-Asbestos Worker or Air Sampling Professional Certification	Number of Certifications	4	7	7	7	7	3	--
	Fees Collected	$400	$700	$700	$700	$700	$300	$3,500
Asbestos Worker Recertification	Number of Recertifications	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
Non-Asbestos Worker Recertification	Number of Recertifications	36	72	72	72	72	36	--
	Fees Collected	$1,800	$3,600	$3,600	$3,600	$3,600	$1,800	$18,000
Asbestos Training Course Category Accreditation	Number of Accreditations with Fees Collected	0	0	0	0	0	0	--
	Fees Collected	$0	$0	$0	$0	$0	$0	$0
					Total Fees with Existing Fee			$21,500

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	$3,950
Estimated Annualized Aggregate Asbestos Fee Cost for This Amendment**	$790

*The first full fiscal year for this rulemaking is 2027.
**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:
Asbestos Worker Certification >> $40 fee to $50.
Asbestos Air Sampling Professional Certification>> $100 fee to $300.
Non-Asbestos Worker or Air Sampling Professional Certification >> $100 fee to $110.
Asbestos Worker Recertification >> $2 0 fee to $30.
Non-Asbestos Worker Recertification >> $ 50 fee to $60.
Asbestos Training Course Accreditation Per Course Category>> $ 1,000 fee to $1,150.
Asbestos Training Course Accreditation Fee Cap Per Review Period>> $ 3,000 fee to $3,450.

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The total numbers of certifications and recertifications are based on a three-year average for calendar years 2021 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

3. The total numbers of accreditations are based on a two-year average for calendar years 2021 through 2022 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

4. The numbers of public entity certifications and recertifications are based on data collected for asbestos-related activities for calendar years 2021 and 2023 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2031.

5. The number of public entity accreditations are based on data collected for asbestos-related activities for calendar years 2021 and 2022 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2031.

6. The fees for exams and exemptions are not being changed in this rulemaking. Therefore, they are not included in this fiscal analysis.

7. Asbestos worker certification fees are based on $50 per certification effective January 1, 2026. This fee represents a $10 increase from the fee of $40 per certification prior to January 1, 2026.

8. Asbestos air sampling professional certification fees are based on $300 per certification effective January 1, 2026. This fee represents a $200 increase from the fee of $100 per certification prior to January 1, 2026.

9. Non-asbestos worker or air sampling professional certification fees are based on $110 per certification effective January 1, 2026. This fee represents a $10 increase from the fee of $100 per certification prior to January 1, 2026.

10. Asbestos worker recertification fees are based on $30 per recertification effective January 1, 2026. This fee represents a $10 increase from the fee of $20 per recertification prior to January 1, 2026.

11. Non-asbestos worker recertification fees are based on $60 per recertification effective January 1, 2026. This fee represents a $10 increase from the fee of $50 per recertification prior to January 1, 2026.

12. Asbestos training course accreditation fees are based on $1,150 per accredited course category effective January 1, 2026. This fee represents a $150 increase from the fee of $1,000 per accredited

course category prior to January 1, 2026.

13. Asbestos training course accreditation fee cap is based on $3,450 per review period effective January 1, 2026. This fee represents a $450 increase from the fee cap of $3,000 per review period prior to January 1, 2026.

14. The aggregate gain in public entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by public entities paying asbestos fees.

15. Fee collection amounts for FY2026 through 2031 are based on an average of 503 asbestos worker certifications per year (0 from public entities), 12 asbestos air sampling professional per year (0 from public entities), 295 non-asbestos worker or air sampling professional certifications per year (7 from public entities), 646 asbestos worker recertifications per year (0 from public entities), 1,680 non-asbestos worker recertifications per year (72 from public entities), and 98 asbestos training course accreditations per year (0 from private entities).

16. The fees collected are uniformly distributed throughout the fiscal years.

17. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Title:	10 CSR 10-6.250 Asbestos Projects—Certification, Accreditation and Business Exemption Requirements
Type of Rulemaking:	Amendment to Existing Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
28 (All are Private Entities)	Asbestos Training Providers	$ 37,410 Annualized Aggregate $ 187,050 for Projected 5-Year Life
115 (of which 114 are Private Entities)	Asbestos Contractors	
3,137 (of which 3,058 are Private Entities)	Asbestos Workers and Supervisors	

III. WORKSHEET

Current Average Annual Asbestos Worker Certification Revenue (5-Year Average) = $20,120
Current Asbestos Worker Certification Fee = $40
Proposed Asbestos Worker Certification Fee = $50

Current Average Annual Asbestos Air Sampling Professional Certification Revenue (5-Year Average) = $1,200
Current Asbestos Air Sampling Professional Certification Fee = $100
Proposed Asbestos Air Sampling Professional Certification Fee = $200

Current Average Annual Non-Asbestos Worker or Non-Asbestos Air Sampling Professional Certification Revenue (5-Year Average) = $29,500
Current Non-Asbestos Worker or Non-Asbestos Air Sampling Professional Certification Fee = $100
Proposed Non-Asbestos Worker or Non-Asbestos Air Sampling Professional Certification Fee = $110

Current Average Annual Asbestos Worker Recertification Revenue (5-Year Average) = $15,504
Current Asbestos Worker Recertification Fee = $20
Proposed Asbestos Worker Recertification Fee = $30

Current Average Annual Non-Asbestos Worker Recertification Revenue (5-Year Average) = $84,000
Current Non-Asbestos Worker Recertification Fee = $50
Proposed Non-Asbestos Worker Recertification Fee = $60

Current Average Annual Asbestos Training Course Accreditation Revenue (5-Year Average) = $31,500
Current Asbestos Training Course Accreditation Fee Per Course Category = $1,000
Proposed Asbestos Training Course Accreditation Fee Per Course Category = $1,150
Current Asbestos Training Course Accreditation Fee Cap Per Review Period = $3,000
Proposed Asbestos Training Course Accreditation Fee Cap Per Review Period = $3,450

Table 1. Total Projected Asbestos Fees for Public and Private Entities Combined

Fiscal Year	Type of Fee	Number of Certifications/ Recertifications/ Exams/ Accreditations/ Exemptions	Estimated Fee Collection (with fee change)	Estimated Fee Collection (without fee change)	Cost to Affected Entities due to Fee Increases
2026 (1/1 - 6/30/26)	Asbestos Worker Certification Fee	252	$12,600	$10,080	$2,520
2026 (1/1 - 6/30/26)	Air Sampling Professional Worker Certification Fee	6	$1,800	$600	$1,200
2026 (1/1 - 6/30/26)	Non-Asbestos Worker or Air Sampling Professional Certification Fee	148	$16,280	$14,800	$1,480
2026 (1/1 - 6/30/26)	Asbestos Worker Recertification Fee	323	$9,690	$6,460	$1,938
2026 (1/1 - 6/30/26)	Non-Asbestos Worker Recertification Fee	840	$50,400	$42,000	$8,400
2026 (1/1 - 6/30/26)	Asbestos Training Course Accreditation Fee	21	$24,150	$21,000	$3,150
2027	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2027	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400
2027	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2027	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2027	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2027	Asbestos Training Course Category Accreditation Fee	37	$42,550	$37,000	$5,550

2028	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2028	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400
2028	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2028	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2028	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2028	Asbestos Training Course Category Accreditation Fee	26	$29,900	$26,000	$3,900
2029	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2029	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400
2029	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2029	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2029	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2029	Asbestos Training Course Category Accreditation Fee	37	$42,550	$37,000	$5,550
2030	Asbestos Worker Certification Fee	503	$25,150	$20,120	$5,030
2030	Air Sampling Professional Worker Certification Fee	12	$3,600	$1,200	$2,400
2030	Non-Asbestos Worker or Air Sampling Professional Certification Fee	295	$32,450	$29,500	$2,950
2030	Asbestos Worker Recertification Fee	646	$19,380	$12,920	$3,876
2030	Non-Asbestos Worker Recertification Fee	1680	$100,800	$84,000	$16,800
2030	Asbestos Training Course Category Accreditation Fee	26	$29,900	$26,000	$3,900
2031 (7/1 - 12/31/31)	Asbestos Worker Certification Fee	251	$12,550	$10,040	$2,510
2031 (7/1 - 12/31/31)	Air Sampling Professional Worker Certification Fee	6	$1,800	$600	$1,200
2031 (7/1 - 12/31/31)	Non-Asbestos Worker or Air Sampling Professional Certification Fee	147	$16,170	$14,700	$1,470
2031 (7/1 - 12/31/31)	Asbestos Worker Recertification Fee	323	$9,690	$6,460	$1,938
2031 (7/1 - 12/31/31)	Non-Asbestos Worker Recertification Fee	840	$50,400	$42,000	$8,400
2031 (7/1 - 12/31/31)	Asbestos Training Course Category Accreditation Fee	5	$5,750	$5,000	$750

503 = Number of Private Entity Asbestos Worker Certifications per Year
12 = Number of Private Entity Asbestos Air Sampling Professional Certifications per Year
288 = Number of Private Entity Non-Asbestos Worker Certifications per Year
646 = Number of Private Entity Asbestos Worker Recertifications per Year
1,608 = Number of Private Entity Non-Asbestos Worker Recertifications per Year
48 = Number of Private Entity Asbestos Training Course Category Accreditations per Year in odd fiscal years (FY2027 and 2029); however, 11 course category accreditations do not collect fees due to the cap. A total of 37 course category accreditations where fees are collected occur during odd fiscal years.
34 = Number of Private Entity Asbestos Training Course Category Accreditations per Year in even fiscal years (FY2026 and 2028); however, 8 course category accreditations do not collect fees due to the cap. A total of 26 course category accreditations where fees are collected occur during odd fiscal years.

Table 2. Projected Total Asbestos Fees Collected (with new fees)

		FY 2026 (1/1 – 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 – 12/31/31)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	252	503	503	503	503	252	--
	Fees Collected	$12,575	$25,150	$25,150	$25,150	$25,150	$12,575	$125,750
Asbestos Air Sampling Professional Certification	Number of Certifications	6	12	12	12	12	6	--
	Fees Collected	$1,800	$3,600	$3,600	$3,600	$3,600	$1,800	$18,000
Non-Asbestos Worker or Air Sampling Professional Certification	Number of Certifications	144	288	288	288	288	144	--
	Fees Collected	$15,840	$31,680	$31,680	$31,680	$31,680	$15,840	$158,400
Asbestos Worker Recertification	Number of Recertifications	323	646	646	646	646	323	--
	Fees Collected	$9,690	$19,380	$19,380	$19,380	$19,380	$9,690	$96,900
Non-Asbestos Worker Recertification	Number of Recertifications	804	1,608	1,608	1,608	1,608	804	--
	Fees Collected	$48,240	$96,480	$96,480	$96,480	$96,480	$48,240	$482,400
Asbestos Training Course Category Accreditation	Number of Accreditations with Fees Collected	21	37	26	37	26	5	--
	Fees Collected	$24,150	$42,550	$29,900	$42,550	$29,900	$5,750	$174,800
					Total Fees with New Fee			$1,056,250

Table 3. Projected Total Asbestos Fees Collected (with existing fees)

		FY 2026 (1/1 - 6/30/26)	FY2027*	FY2028	FY2029	FY2030	FY 2031 (7/1 - 12/31/31)	5-Year Cost
Asbestos Worker Certification	Number of Certifications	252	503	503	503	503	252	--
	Fees Collected	$10,060	$20,120	$20,120	$20,120	$20,120	$10,060	$100,600
Asbestos Air Sampling Professional Certification	Number of Certifications	6	12	12	12	12	6	--
	Fees Collected	$600	$1,200	$1,200	$1,200	$1,200	$600	$6,000
Non-Asbestos Worker or Air Sampling Professional Certification	Number of Certifications	144	288	288	288	288	144	--
	Fees Collected	$14,400	$28,800	$28,800	$28,800	$28,800	$14,400	$144,000
Asbestos Worker Recertification	Number of Recertifications	323	646	646	646	646	323	--
	Fees Collected	$6,460	$12,920	$12,920	$12,920	$12,920	$6,460	$64,600
Non-Asbestos Worker Recertification	Number of Recertifications	804	1,608	1,608	1,608	1,608	804	--
	Fees Collected	$40,200	$80,400	$80,400	$80,400	$80,400	$40,200	$402,000
Asbestos Training Course Category Accreditation	Number of Accreditations with Fees Collected	21	37	26	37	26	5	--
	Fees Collected	$21,000	$37,000	$26,000	$37,000	$26,000	$5,000	$152,000
					Total Fees with Existing Fee			$869,200

Projected 5-Year Aggregate Increase in Asbestos Fee Amount Collected	$187,050
Estimated Annualized Aggregate Asbestos Fee Cost For This Amendment**	$37,410

*The first full fiscal year for this rulemaking is 2027.
**Difference in estimated annualized aggregate costs when raising asbestos fees as follows:
Asbestos Worker Certification >> $40 fee to $50.
Asbestos Air Sampling Professional Certification>> $100 fee to $300.
Non-Asbestos Worker or Air Sampling Professional Certification >> $100 fee to $110.
Asbestos Worker Recertification >> $2 0 fee to $30.
Non-Asbestos Worker Recertification >> $ 50 fee to $60.
Asbestos Training Course Accreditation Per Course Category>> $ 1,000 fee to $1,150.
Asbestos Training Course Accreditation Fee Cap Per Review Period>> $ 3,000 fee to $3,450.

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be five (5) years although the duration of the rule is indefinite. If the life of the rule extends beyond 5 years, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The total numbers of certifications and recertifications are based on a three-year average for calendar years 2021 through 2023 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

3. The total numbers of accreditations are based on a two-year average for calendar years 2021 through 2022 because it is the most recent data that contains no atypical yearly values. These values are estimated to remain constant through fiscal year 2031.

4. The numbers of public entity certifications and recertifications are based on data collected for asbestos-related activities for calendar years 2021 and 2023 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2031.

5. The number of public entity accreditations are based on data collected for asbestos-related activities for calendar years 2021 and 2022 because it is the most recent data that contains no atypical yearly values. These activity levels are estimated to remain constant through fiscal year 2031.

6. The fees for exams and exemptions are not being changed in this rulemaking. Therefore, they are not included in this fiscal analysis.

7. Asbestos worker certification fees are based on $50 per certification effective January 1, 2026. This fee represents a $10 increase from the fee of $40 per certification prior to January 1, 2026.

8. Asbestos air sampling professional certification fees are based on $300 per certification effective January 1, 2026. This fee represents a $200 increase from the fee of $100 per certification prior to January 1, 2026.

9. Non-asbestos worker or air sampling professional certification fees are based on $110 per certification effective January 1, 2026. This fee represents a $10 increase from the fee of $100 per certification prior to January 1, 2026.

10. Asbestos worker recertification fees are based on $30 per recertification effective January 1, 2026. This fee represents a $10 increase from the fee of $20 per recertification prior to January 1, 2026.

11. Non-asbestos worker recertification fees are based on $60 per recertification effective January 1, 2026. This fee represents a $10 increase from the fee of $50 per recertification prior to January 1, 2026.

12. Asbestos training course accreditation fees are based on $1,150 per accredited course category effective January 1, 2026. This fee represents a $150 increase from the fee of $1,000 per accredited course category prior to January 1, 2026.

13. Asbestos training course accreditation fee cap is based on $3,450 per review period effective January 1, 2026. This fee represents a $450 increase from the fee cap of $3,000 per review period prior to January 1, 2026. A projected total of 198 asbestos training course categories will be accredited between the second half of FY 2026 (1/1 - 6/30/26) and the first half of FY 2031 (7/1 – 12/31/31). The Missouri Department of Natural Resources will collect asbestos training course accreditation fees on a projected 152 asbestos training course categories due to the asbestos training course accreditation fee cap. Fiscal year projections also vary between odd and even fiscal years, due to the biennial renewal requirement for accreditation and the timing in which courses currently accredited received their initial accreditations.

14. The aggregate gain in public entity fee revenue for the Missouri Department of Natural Resources' Air Pollution Control Program is directly related to the difference in asbestos fees. The net gain in revenue is equivalent to the amount of gain realized by public entities paying asbestos fees.

15. Fee collection amounts for FY2026 through 2031 are based on an average of 503 asbestos worker certifications per year (503 from private entities), 12 asbestos air sampling professional per year (12 from private entities), 295 non-asbestos worker or air sampling professional certifications per year (288 from private entities), 646 asbestos worker recertifications per year (646 from private entities), 1,680 non-asbestos worker recertifications per year (1,608 from private entities) and 98 asbestos training course accreditations per year (98 from private entities).

16. The fees collected are uniformly distributed throughout the fiscal years.

17. This fiscal note only includes estimated costs for changes made as a result of this proposed rule amendment.

18. Numbers in charts are shown as whole numbers but actual numbers may include decimal places which may appear to be a variance in totals.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 10 – Air Conservation Commission
Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.255 Chemical Accident Prevention for Agricultural Anhydrous Ammonia. *The Missouri Legislature passed House Bill 3 in 2022, which authorizes the Air Conservation Commission to develop regulations necessary to implement and enforce the risk management plan (RMP) and obtain the transfer of the RMP program, under 42 U.S.C. Section 7412(r) for agricultural facilities that use, store, or sell anhydrous ammonia, from EPA to the Department of Natural Resources. This bill also imposes a registration fee on section 7412(r) regulated facilities and a tonnage fee on all retail facilities that use, store, or sell anhydrous ammonia. In addition, the bill requires each distributor or terminal agricultural facility that uses, stores, or sells anhydrous ammonia that is an air contaminant source subject to the RMP Program 3 under 40 CFR Part 68 to pay an annual registration fee, but no tonnage fee. This proposed rule establishes the agricultural anhydrous ammonia program for DNR, upon delegation from EPA. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website https://apps5.mo.gov/proposed-rules/welcome.action#OPEN.*

PURPOSE: This rule defines the Agricultural Anhydrous Ammonia Program and the requirements of facilities which are subject to this program in the state of Missouri.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) This rule shall apply throughout Missouri to agricultural anhydrous ammonia facilities, which includes retail agricultural anhydrous ammonia facilities, and distributor or terminal agricultural anhydrous ammonia facilities.

(B) The methods of CGA 2.1, published as of February 14, 2023, are hereby incorporated by reference as published by the American National Standards Institute (ANSI). Copies of CGA G-2.1-2023 can be obtained from ANSI, 1899 L Street, 11th Floor, Washington DC, 20036. This rule does not incorporate any subsequent amendments or additions.

(C) Unless otherwise noted in subsections (1)(D) or (3)(A) of this rule, the provisions of 40 CFR 68, promulgated as of July 1, 2023, are hereby incorporated by reference as published by the U.S. Government Publishing Office, available at http://bookstore.gpo.gov/ or for mail orders, print and fill out an order form online and mail to U.S. Government Publishing Office, PO Box 797050, St. Louis, MO 63197-9000. This rule does not incorporate any subsequent amendments or additions.

(D) Exceptions.

1. Changes to 40 CFR 68 as described in subsection (3)(A) of this rule apply.

2. The provisions of 40 CFR 68.120 are not incorporated by reference in subsection (1)(C) of this rule.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 68.3 as incorporated by reference in subsection (1)(C) of this rule.

(B) Agricultural anhydrous ammonia – Anhydrous ammonia intended to be used as fertilizer or in the manufacturing of fertilizer.

(C) Agricultural anhydrous ammonia facility – A facility that uses, stores, or sells agricultural anhydrous ammonia that meets the threshold quantity of ten thousand (10,000) lbs. as listed in Table 2 of 40 CFR 68.130, which is incorporated by reference in subsection (1)(C) of this rule. This includes, but is not limited to, retail agricultural anhydrous ammonia facilities and distributor or terminal agricultural anhydrous ammonia facilities.

(D) Retail agricultural anhydrous ammonia facility – An agricultural anhydrous ammonia facility that sells agricultural anhydrous ammonia to end users or applies agricultural anhydrous ammonia to agricultural fields for a fee. Farmers who hold agricultural anhydrous ammonia solely for their own use as a nutrient fertilizer are excluded from this definition.

(E) Distributor or terminal agricultural anhydrous ammonia facility – Any facility that is subject to a risk management plan (RMP) Program 3 under 40 CFR 68, which is incorporated by reference in subsection (1)(C) of this rule, and that –

1. Provides agricultural anhydrous ammonia to retail agricultural anhydrous ammonia facilities; or

2. Uses anhydrous ammonia in the manufacture of a fertilizer.

(F) Fertilizer – Includes any organic or inorganic material of natural or synthetic origin which is added to soil, soil mixtures, or solution to supplement nutrients and contains one (1) or more essential plant nutrients.

(3) General Provisions

(A) The following changes to 40 CFR 68, which is incorporated by reference in subsection (1)(C) of this rule, apply:

1. The term "agricultural anhydrous ammonia facility" as defined in section (2) of this rule shall replace the term "stationary source" anywhere it appears in 40 CFR 68.

2. The term "recognized and generally accepted good engineering practices" as it appears in any of the provisions of 40 CFR 68 listed in subparagraphs (3)(A)2.A. – (3)(A)2.D. of this rule shall be replaced by the following clause: ANSI/CGA G-2.1-2023 Requirements for the Storage and Handling of Anhydrous Ammonia (Seventh Edition), which is incorporated by reference in subsection (1)(B) of this rule. Alternative codes and specifications may be allowed if demonstrated to be equivalent to or safer than these requirements, and such demonstration is approved in advance by the director.

A. 40 CFR 68.48(b), regarding process design.

B. 40 CFR 68.56(d), regarding inspection and testing of process equipment.

C. 40 CFR 68.65(d)(2), regarding documentation of information pertaining to the process equipment.

D. 40 CFR 68.73(d)(2), regarding inspection and testing of mechanical integrity of the process equipment listed in 40 CFR 68.73(a).

(B) Risk Management Plan (RMP) Requirements. RMPs shall be submitted to EPA and made available during inspection visits conducted by the department staff.

(C) Registration and Fees.

1. Each retail agricultural anhydrous ammonia facility is subject to an annual registration fee of two hundred dollars ($200), and an annual tonnage fee of one dollar and twenty-five cents ($1.25) per ton of agricultural anhydrous ammonia sold or used by the retail agricultural anhydrous ammonia facility.

2. Each distributor or terminal agricultural anhydrous ammonia facility is subject to an annual registration fee of five thousand dollars ($5,000). These entities are not subject to an annual tonnage fee.

3. Each facility will pay initial fees on March 31, 2025, for tonnage and registration for the calendar years 2023-2024.

4. In calendar years 2026 and beyond, fees are due on March 31 each year for the previous calendar year's tonnage and registration.

(4) Reporting and Record Keeping. All reporting and recordkeeping provisions found in 40 CFR 68, which is incorporated by reference in subsection (1)(C) of this rule, including the applicable changes listed in subsection (3)(A) of this rule, apply.

(5) Test Methods. Testing shall be conducted in a manner consistent with ANSI/CGA G-2.1-2023 Requirements for the Storage and Handling of Anhydrous Ammonia (Seventh Edition), which is incorporated by reference in subsection (1)(B) of this rule. Alternative test methods may be allowed if demonstrated to be equivalent to or safer than these requirements, and such demonstration is approved in advance by the director.

AUTHORITY: section 643.050, RSMo Supp. 2023. Original rule filed June 13, 2024.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred thirty-nine thousand eight hundred dollars ($439,800) in FY 2025. For the years after FY 2025, the total annual cost is approximately three hundred seventy-nine thousand eight hundred dollars ($379,800) for the life of the rule.

PRIVATE COST: This proposed rule will cost private entities approximately six hundred seventy-eight thousand two hundred thirty-two dollars ($678,232) in FY 2025. For the years after FY 2025, the total annual cost is approximately three hundred thirty-nine thousand one hundred sixteen dollars ($339,116) for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9 a.m., Aug. 29, 2024. The public hearing will be held at the Burr Oak Woods Conservation Area, 1401 NW Park Rd., Blue Springs, Missouri, and online with live video conferencing via https://dnr.mo.gov/calendar/event/244681. A recording of the public hearing will be available at https://dnr.mo.gov/commissions-boards-councils/air-conservation-commission. Opportunity to be sworn in by the court reporter in person, over video, or phone to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5 p.m. CDT, Sept. 5, 2024. Send online comments via the proposed web page at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN, email comments to apcprulespn@dnr.mo.gov, or mail written comment to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	*10 CSR 10-6.255 Agricultural Anhydrous Ammonia*
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	First year (FY2025) costs: $439,800 Annual Costs (FY2026-2029): $379,800

III. WORKSHEET

1 Professional Engineer – $65,895
2 Environmental Program Analyst – $50,076 x 2 = $100,152
Total Personnel Services – $166,047
Fringe: 60.22% – $99,994
Indirect 23.59% – $62,759
Total – $328,800

Database Costs
Private contractor – Modified/Enhanced Database Used by Missouri Fertilizer Control Board
Initial Cost: $60,000
Annual Maintenance/Hosting Cost: $51,000

Table 1

Fiscal Year	Personal Service/Fringe/Indirect (3 FTEs)	Contractor Database Initial Cost	Contractor Database Annual Maintenance and Hosting Cost	Total
2025	$328,800	$60,000	$51,000	$439,800
2026	$328,800	$0	$51,000	$379,800
2027	$328,800	$0	$51,000	$379,800
2028	$328,800	$0	$51,000	$379,800
2029	$328,800	$0	$51,000	$379,800
Total 5-year cost				$1,949,000

IV. ASSUMPTIONS

1. The department is basing workload on inspections of regulated facilities once every 4-5 years. Estimate of work with estimate of hours per year – Total 5,500:
   - 50 inspections – 1,000 hours
   - 50 compliance assistance visits – 400 hours
   - 50 plan reviews – 500 hours
   - Training/inspector credentialing – 100 hours
   - Data management – 1,400 hours
   - Compliance assistance and enforcement – 1,500 hours
   - Program management – 400 hours
   - Registration and fee collection – 200 hours

Department cost estimates are based on the need for three FTEs with the following positions and salaries:
1 Professional Engineer – $65,895
2 Environmental Program Analyst – $50,076 x 2 = $100,152

The department anticipates hiring these new positions at the start of FY2025.

2. The department fringe and indirect rates are based on the department's actual FY24 fringe and indirect rates.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	10 CSR 10-6.255 Agricultural Anhydrous Ammonia
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule action:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the proposed rule action by the affected entities:
203 facilities that meet the threshold of this program	Agricultural Anhydrous Ammonia facilities that meet the threshold quantity of 10,000 lbs of agricultural anhydrous ammonia.	See Table 1 for annual registration and tonnage fees per calendar year ($329,116 projected annually)
1-2 distribution facilities	Agricultural anhydrous ammonia distributor or terminal facilities	See Table 1 for annual registration fees ($10,000 projected annually)

III. WORKSHEET

Revenue from facilities that meet the criteria for Risk Management Plan submittal:

Registration fees: $200 x 203 * = $40,600 annually
*Facilities based on facilities included in EPA's CDX Database
Per the Missouri Fertilizer Board (3-3-2020) anhydrous ammonia fertilizer sales:
230,813 tons x $1.25 = $288,516 annually

Revenue from distribution facilities that meet the criteria for Risk Management Plan submittal:

Registration fees: $5,000 x 2 = $10,000 annually

Table 1

Registration and Tonnage Calendar year	Calendar Year when Fees paid	Type of Fee	Annual Number of Registrations/ Tons	Estimated Fee Collection
2023	2025	Registration fee	203	$40,600
2023	2025	Tonnage fee	230,813	$288,516
2023	2025	Distribution facility registration fee	2	$10,000
2024	2025	Registration fee	203	$40,600

2024	2025	Tonnage fee	230,813	$288,516
2024	2025	Distribution facility registration fee	2	$10,000
	2025	**Total Fees paid**		**$678,232**
2025	2026	Registration fee	203	$40,600
2025	2026	Tonnage fee	230,813	$288,516
2025	2026	Distribution facility registration fee	2	$10,000
	2026	**Total Fees paid**		**$339,116**
2026	2027	Registration fee	203	$40,600
2026	2027	Tonnage fee	230,813	$288,516
2026	2027	Distribution facility registration fee	2	$10,000
	2027	**Total Fees paid**		**$339,116**
2027	2028	Registration fee	203	$40,600
2027	2028	Tonnage fee	230,813	$288,516
2027	2028	Distribution facility registration fee	2	$10,000
	2028	**Total Fees paid**		**$339,116**
2028	2029	Registration fee	203	$40,600
2028	2029	Tonnage fee	230,813	$288,516
2028	2029	Distribution facility registration fee	2	$10,000
	2029	**Total Fees paid**		**$339,116**
		Total Cost projected over 5 years (2025-2029)		**2,034,696**

IV. ASSUMPTIONS

1. The 230,813 tons of anhydrous ammonia figure represents all anhydrous ammonia sales as fertilizer from the Missouri Fertilizer Control Board based on data pulled in 2020. This may include sales from facilities that do not meet the threshold quantities for Risk Management Plans, and thus wouldn't be subject to the rule or the fees, so the estimates may be higher than actual fees that will be collected.
2. The CDX, managed by the EPA, lists all facilities which utilize anhydrous ammonia. The database does not allow for the distinction of refrigeration or agricultural use. The Risk Management Plans were utilized to determine capacity at facilities which did not list refrigeration as the anhydrous ammonia usage.
3. The CDX did not list facilities as distributor or terminal facilities. This data will need to be determined upon annual registration. The department estimated two facilities in the state would be classified as distributor/terminal facilities.
4. Facilities will pay tonnage and registration fees on March 31, 2025, for the registration and tonnage from calendar years of 2023 and 2024. In 2026 and beyond, facilities will pay fees for the previous calendar year registration and tonnage.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 20 – Clean Water Commission
Chapter 6 – Permits

PROPOSED AMENDMENT

10 CSR 20-6.030 Disposal of Wastewater in Residential Housing Developments. The department is amending the purpose statement and sections (1), (2), (3), and (7), deleting section (6), and renumbering as necessary.

PURPOSE: This proposed amendment assists individuals who purchased a lot or lots within a residential housing development, when the developer had not received written approval from the department for the method of wastewater treatment in accordance with this rule.

*PURPOSE: This rule sets forth requirements for developers of residential housing to determine the method of wastewater disposal. This rule applies to all new residential housing developments and existing subdivisions that were required to comply with previous regulations which were effective June 30, 1974, June 26, 1975, [or] May 15, 1984, **or March 30, 1999**, but have not received department approval.*

(1) General Requirements.

(A) Definitions.

1. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule.

2. Common promotional plan. A plan, undertaken by one (1) or more persons, to offer **individual** lots **or residential housing units within a residential housing development** for sale or lease; where land is offered for sale **or lease** by a person or group of persons acting in concert, and the land is contiguous or is known, designated**,** or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots **or residential housing units** covered by each individual offering, as being offered for sale or lease as part of a common promotional plan. **State and county roads are not considered property boundaries.**

3. Developer. Any person **or group of persons** who, directly or indirectly, sells or leases**,** or offers to sell or lease, any lots, **residential housing units, or recreational camping sites,** but *[shall]* not **to** include any licensed broker or licensed salesman who is not a shareholder, director, officer, or employee of a developer and who has no legal or equitable interest in the land.

4. Limiting layer. Any soil horizon that will severely limit the soil's ability to treat or dispose of effluent. The limiting layer may include a restrictive horizon or permanent or seasonal high water table as defined in 19 CSR 20-3.060(1)(A).

5. Lot. Any portion, piece, division, unit**,** or undivided interest in real estate, if the interest includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity.

6. Residential housing development. Any land which is divided or proposed to be divided into three (3) or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan.

(B) **Applicability.** Unless specifically provided otherwise, this rule shall apply to any developer who owns or controls land and –

1. Develops or divides land into residential housing lots;

2. Resubdivides land into more lots, adds additional lots to which when added to an existing group of lots which are contiguous, or which are known, designated or advertised as a common unit or by a common name, as part of a common promotional plan, will in total constitute a residential housing development; and

3. Any expansion of three (3) or more lots in any subdivision or development will be subject to this rule.

(C) **Exemptions.** The following subdivisions or residential housing developments are exempted:

1. Subdivisions in which control of more than twenty percent (20%) of the lots was permanently relinquished prior to July 1, 1974;

2. Subdivisions which were approved or exempted by the department under the subdivision regulations which were effective June 30, 1974, June 26, 1975**,** *[or]* May 15, 1984**, or March 30, 1999**;

3. Residential housing developments with less than fifteen (15) lots in existence prior to *[the effective date of this rule]* **March 30, 1999**;

4. Lots of five (5) acres and larger in residential housing developments;

5. Residential housing developments located in areas where the department has determined that the local administrative authority has a local program sufficient to meet the goals of this rule;

6. If a developer proposes a centralized wastewater collection and treatment system, the requirements of this rule shall be considered met, provided that all other requirements of the Missouri Clean Water Law and regulations can be satisfied and continuing authority, in accordance with 10 CSR 20-6.010, will be established prior to the sale or lease of lots or the commencement of construction of residences; and

7. Recreational developments will be subject to section five (5) of this rule.

(D) **Approval.** Unless exempted in this rule, the developer of any residential housing development shall obtain approval from the department for the method of sewage treatment and disposal to be used in the development prior to the sale or lease of any lot or the commencement of construction on any lot by the developer or any person. To obtain approval the developer must submit to the appropriate DNR office a copy of the geohydrologic evaluation, the soils report, and the plat map as described in this rule.

1. The developer may apply for approval to use individual on-site systems in the proposed development provided that the minimum lot size is forty thousand (40,000) square feet. For residential housing developments with lots of less than forty thousand (40,000) square feet (0.92 acres), only centralized sewage collection and treatment are acceptable for the development. However, this minimum lot size does not apply to residential housing developments that do not require approval. Construction and operating permits will be required for central sewage collection and treatment systems.

2. Only residential housing developments with seven (7) or more lots must receive approval for the method of sewage treatment and disposal prior to the sale or lease of any lots.

(E) Alternative Determination.

1. An alternative determination can be requested for a lot or group of lots that were conveyed to a person who is not defined as a developer and that lot is within a residential housing development that was in existence prior to January 30, 2025, and was required to receive written approval for the method of wastewater treatment under this rule but did not.

2. An alternative determination under this rule should not be construed as an exemption, waiver, or approval for the method of wastewater treatment but as a process to address noncompliance. The department will send a written acceptance or rejection of the application for alternative determination, as well as information regarding the decision.

3. An alternative determination can be given for a lot or group of lots where an on-site wastewater treatment system was installed when it can be demonstrated to the department that the installation of the system was permitted by the appropriate state or local on-site wastewater administrative authority following the criteria contained in their regulations effective at the time of installation and that there is no violation of the Missouri Clean Water Law or its regulations including but not limited to the surfacing of effluent on an individual lot or the discharge of effluent to waters of the state.

4. An alternative determination can be given for an undeveloped lot or group of lots that had been conveyed to a person not defined as a developer, but the determination does not guarantee that the state or local on-site wastewater authority will issue a permit to construct an on-site wastewater treatment system under their current regulations.

5. Information that will aid the department when making an alternative determination should include but is not limited to county name; developer's name and contact information; development's name; physical location-section, township and range, latitude and longitude, or physical address; current plat on file with the County Recorder's Office; lot size: nature of use; reported water supply; available documentation related to the installation of the on-site wastewater treatment system if installed; site-specific soils documentation if available; and other applicable documentation. If available, this information is to be provided by the requester.

6. As part of an alternative determination, the department may request that the Missouri Geological Survey conduct a geohydrologic evaluation for the lot(s) conveyed to a person who is not defined as a developer.

7. Alternative determinations will include information concerning proper operation and maintenance of an on-site wastewater treatment system as well as ways to identify a failing system. A lot owner shall notify the state or local on-site wastewater administrative authority when an on-site system is failing and shall address any malfunction(s) within a time set by the applicable administrative authority to minimize impacts to public health and the environment.

8. The lot(s) still under the control of a developer within a residential housing development, that was required to receive written approval for the method of wastewater treatment but did not, shall remain subject to the criteria contained in other sections and subsections of this rule.

(2) Geohydrologic Evaluation.

(A) All developers required to **abide** by this rule shall apply for a geohydrologic evaluation pertaining to the use of on-site wastewater treatment facilities from the Department of Natural Resources, *[Division of Geology and Land Survey]* **Missouri Geological Survey**, Geological Survey Program (GSP). The evaluation will include a review of available geologic data and may include a field evaluation conducted by the GSP.

1. A written request for the geohydrologic evaluation must be submitted on forms provided by the department and within forty-five (45) days the developer will be notified in writing by the department of the results.

2. The request for a geohydrologic evaluation shall include a map of the proposed development along with the legal description, total number of acres**,** and type of water supply being proposed.

[3. The criteria contained in the document entitled Residential Housing Development Geohydrologic Groundwater Evaluation Rating, DNR, Division of Geology and Land Survey, Geological Survey Program, October 1997 shall be used to determine the minimum lot size as related to the geology and possibility of groundwater contamination in the area.]

(3) Soils Report.

(A) A soils report for each residential housing development must be prepared by a soil scientist as defined in 19 CSR 20-3.080. The report must indicate if the proposed system is a soil absorption system or other system (lagoon). The soils report can be generated only after a thorough, systematic investigation of the soil properties and landscapes in the proposed development. Soil observation pits (backhoe or hand dug) dug to a depth to reveal the major soil horizons shall be utilized. The minimum number of pits shall be one (1) every ten (10) acres; however, in developments with the majority of lots less than two (2) acres, the minimum number of pits shall be one (1) every five (5) acres. These pits may be supplemented by soil borings to help determine the extent of similar soil properties. Profile descriptions which include horizon designations, depth, color, texture, structure, consistence, coarse fragments, mottling, and other pertinent features shall be submitted.

1. The soils report shall contain a topographic map delineating the proposed development into the following slope categories: **zero to two percent (**0-2%**), three to fourteen percent (**3-14%**), fifteen to thirty percent (**15-30%**),** and **thirty-one percent (**31%**)** and greater.

2. A map delineating the depth of acceptable soil into the following categories: less than **eighteen (**18**)** inches, **eighteen to thirty (**18-30**)** inches over bedrock, **eighteen to thirty (**18-30**)** inches over a limiting layer, and greater than **thirty (**30**)** inches shall also be provided.

3. Table 1 shall be used to determine the minimum lot size based on soil properties and site conditions. More than fifty percent (50%) of each lot must be in a single acreage category or more than fifty percent (50%) may be in that and smaller acreage categories in order to use that minimum-sized lot.

Table 1

Minimum Lot Size (Acres) for Soil Absorption Systems Based on Soil Depth and Slope

		Acceptable Soil (inches)			
		>30"	18-30" Limiting Layer	18-30" Bedrock	<18"
slope (%)	0-2	0.92	2	2	3
	3-14	0.92	1	2	3
	15-30	1	2	3	5
	31+	2	3	5	>5

4. Lots with less than eighteen (18) inches of acceptable soil should be evaluated carefully to determine if a soil absorption system will function properly on the site. It must be shown that mitigation of the limiting soil condition is a feasible option. Lots with less than twelve (12) inches of

acceptable soil will not be approved for soil absorption systems unless the limiting condition is a high water table and the soil scientist determines that water table lowering schemes may be effective.

(B) Acceptable soil will have the following properties:

1. Any structure except strong platy or massive;

2. Fifty percent (50%) and less coarse fragments **greater than two millimeters** (>2 mm);

3. No limiting layer; and

4. Available area and landscape position suitable for an on-site system.

[(6) Multiple Family Housing Units.

(A) Residential housing developments that propose to build multiple family housing units (duplexes, quadplexes, etc.) shall submit an engineer's report in accordance with 10 CSR 20-8.020 Design of Small Sewage Works. Each housing unit shall be considered equal to a single-family residence for the purposes of compliance with this rule.]

*[(7)]***(6)** Department Review.

(A) The department shall determine if the requirements of this rule are satisfied. Minimum lot size will be the larger of the values calculated in the geohydrologic evaluation if required or the soils report.

Approval under this rule does not guarantee that each lot in the residential housing development will be approved for a soil absorption system.

(B) The developer of any residential housing development required to obtain approval from the department shall obtain written approval and comply with all conditions and requirements set forth in writing by the department as contained in the Missouri Clean Water Law and corresponding regulations prior to the sale or lease of any lot or the commencement of construction on any lot by any developer(s) or owner(s).

(C) There shall be no deviation or change that may adversely affect the geohydrologic evaluation, lot sizes, number of lots, or the proposed water supply for a residential housing development following departmental approval without first securing written approval of the proposed changes from the department.

(D) Within ninety (90) days of receipt of the completed requirements and any other documents or information required in this rule by the department, the department will approve or disapprove the wastewater disposal plans and attach any conditions to an approval which it deems necessary to protect waters of the state in accordance with the Missouri Clean Water Law and regulations.

(E) Any developer or person owning any residential housing development or lots covered by this rule who has a proposal for wastewater disposal denied, or any condition in an approval in all or in part, may appeal to the Missouri Clean Water Commission within thirty (30) days of issuance of the denial or conditioned approval.

(F) Nothing in this rule shall preclude any local, municipal, county, or other lawful authority from establishing subdivision, sewer, or single-family residence on-site systems regulations and ordinances equal to or more stringent than those contained in this rule.

(G) Compliance *[With Other Law]* **with other law**. Nothing in this rule shall excuse any person from complying with or from liability for violations of the Missouri Clean Water Law and regulations or any other laws of Missouri.

(H) Severability. If any section, paragraph, sentence, clause, or phrase of this rule, or any part of each, be declared unconstitutional or invalid for any reason, the remainder of this rule shall not be affected and shall remain in full force and effect.

*AUTHORITY: section 644.026, RSMo Supp. [1997] **2016**. Original rule filed June 14, 1974, effective June 24, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 14, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources. To be considered, comments must be received by the end of the public comment period, which is 5 p.m. Aug. 23, 2024. A public hearing is scheduled for Aug. 15, 2024, at 1 p.m., at the Department of Natural Resources, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65101. A virtual option is available at https://stateofmo.webex.com/stateofmo/j.php?MTID=m7eaa55255b7412c63ff1b28741ab4a79, meeting number (access code) 2632 390 5506, password wKZkHv3K8J6, or call-in number 1-650-479-3207. Comments may also be submitted to Gabriel Sante, Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176, via email at gabriel.sante@dnr.mo.gov, or online at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN.

TITLE 10 – Department of Natural Resources
Division 20 – Clean Water Commission
Chapter 8 – Minimum Design Standards

PROPOSED AMENDMENT

10 CSR 20-8.130 Pumping Stations. The department is adding new section (2), amending section (7), and renumbering as necessary.

PURPOSE: This proposed amendment allows for an alternative design of emergency operations at sewage pump stations in cases where the required storage is not practical.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) Alternative Design. The department may approve an alternative design when it determines that the proposed alternative design is as effective or more effective than the requirements of this chapter and when compliance with the design requirements of this chapter would be unfeasible or impractical. The owner of a project proposing an alternative design must provide engineering

justification to the department. The justification must –

(A) Be requested in writing;

(B) Be signed, sealed, and dated by a professional engineer licensed in Missouri;

(C) Include an explanation of how compliance with a design requirement of this chapter is unfeasible or impractical; and

(D) Include all pertinent facts, data, reports, and studies certifying the proposed alternative design will result in equivalent or improved effectiveness compared to the minimum design requirement in this chapter.

*[(2)]***(3)** General.

(A) Flood Protection. For flood protection**,** follow the provisions in 10 CSR 20-8.140(2)(B).

(B) Access Road. For access roads to pump station sites**,** follow the provisions in 10 CSR 20-8.140(2)(D).

(C) Safety. For safety**,** follow the applicable portions of 10 CSR 20-8.140(8).

(D) Potable Water Sources. The distance between wastewater pumping stations and all potable water sources shall be at least fifty feet (50') in accordance with 10 CSR 23-3.010(1)(B).

(E) Housed Wet Wells. Housed wet well ventilation shall be in accordance with 10 CSR 20-8.140(8)(J).

*[(3)]***(4)** Design.

(A) Structures.

1. Separation. Dry wells, including their superstructure, shall be completely separated from the wet well with gas-tight common walls.

2. Access. Suitable and safe means of access to dry wells and to wet wells shall be provided to persons wearing self-contained breathing apparatus.

(B) Pumps.

1. Multiple units. Multiple pumps shall be provided except for design average flows of less than fifteen hundred (1,500) gallons per day.

2. Electrical equipment. Electrical equipment shall be provided with the following requirements:

A. Electrical equipment must comply with 10 CSR 20-8.140(7)(B);

B. Utilize corrosive resistant equipment located in the wet well;

C. Provide a watertight seal and separate strain relief for all flexible cable;

D. Install a fused disconnect switch located above ground for the main power feed for all pumping stations*[.]***;**

E. When such equipment is exposed to weather, it shall comply with the requirements of weather proof equipment; enclosure NEMA 4; NEMA 4X, where necessary; and *NEMA Standard 250-2014*, published December 15, 2014. This standard shall hereby be incorporated by reference into this rule, as published by National Electrical Manufacturers Association, 1300 North 17th Street, Arlington, VA 22209. This rule does not incorporate any subsequent amendments or additions;

F. Install lightning and surge protection systems;

G. Install a one hundred ten volt (110 V) power receptacle inside the control panel located outdoors to facilitate maintenance; and

H. Provide Ground Fault Circuit Interruption (GFCI) protection for all outdoor receptacles.

(C) Controls. Water level controls must be accessible without entering the wet well.

(D) Valves. Valves shall not be located in the wet well unless integral to a pump or its housing.

(E) Wet Wells. Covered wet wells shall have provisions for air displacement to the atmosphere, such as an inverted and screened "j" tube or other means.

(F) Ventilation. Interconnection between the wet well and dry well ventilation systems is not acceptable. For ventilation**,** follow the provisions in 10 CSR 20-8.140(8)(J).

(G) Water Supply. There shall be no physical connection between any potable water supply and a wastewater pumping station, which under any conditions, might cause contamination of the potable water supply. If a potable water supply is brought to the station, it shall comply with conditions stipulated under 10 CSR 20-8.140(7)(D).

*[(4)]***(5)** Suction Lift Pumps.

(A) Self-Priming Pumps. The combined total of dynamic suction lift at the "pump off" elevation and required net positive suction head at design operating conditions shall not exceed twenty-two feet (22').

(B) Vacuum Priming Pumps. Vacuum priming pump stations shall be equipped with dual vacuum pumps capable of automatically and completely removing air from the suction lift pump.

(C) Wet Well Access. Wet well access shall not be through the equipment compartment. Access shall be provided in accordance with paragraph *[(3)]***(4)**(A)2. of this rule.

*[(5)]***(6)** Submersible Pump Stations. Submersible pump stations shall meet the applicable requirements under section *[(3)]***(4)** of this rule, except as modified in this section.

(A) Pump Removal. Submersible pumps shall be readily removable and replaceable without personnel entering, dewatering, or disconnecting any piping in the wet well.

(B) Valve Chamber and Valves. Valves required under subsection *[(3)]***(4)**(D) of this rule shall be located in a separate valve chamber.

1. Access. A minimum access hatch dimensions of twenty-four inches by thirty-six inches (24" x 36") shall be provided. For access, follow the provisions in paragraph *[(3)]***(4)**(A)2. of this rule.

2. Portable pump connection. A portable pump connection on the discharge line with rapid connection capabilities shall be provided.

*[(6)]***(7)** Alarm Systems. Alarm systems with an uninterrupted power source shall be provided for pumping stations.

*[(7)]***(8)** Emergency Operation. **Pumping stations shall be capable of operating during emergencies to prevent the discharge of raw wastewater. In addition to the required emergency means of operation and a storage/detention basin or tank, at least one (1) of the following shall be provided:**

[(A) In addition to the required emergency means of operation and a storage/detention basin or tank, the following minimum retention time shall be provided:]

*[1.]***(A)** For *[facilities]* **a pump station serving a wastewater treatment facility** with a design average flow of one hundred thousand (100,000) gallons per day or greater, a storage capacity for two- (2-) hour retention of the peak hourly flow; *[or]*

*[2.]***(B)** For *[facilities]* **a pump station serving a wastewater treatment facility** with a design average flow of less than one hundred thousand (100,000) gallons per day, a storage capacity for four- (4-) hour retention of the peak hourly flow*[.]***; or**

(C) With sufficient engineering justification, designers may propose an alternative method to address emergency

operations. At a minimum, this includes a reasonable amount of retention along with a dedicated generator of sufficient capacity capable of automatic start-up during power outages. All emergency equipment must be designed such that its operations can be tested on a regular schedule.

[(B) Independent Utility Substations.] Where independent *[substations]* **electrical feeds** are used for emergency power, each separate *[substation and its associated distribution lines]* **electrical feed** shall be capable of starting and operating the pump station at its rated capacity.

*[(8)]***(9)** Force Mains.

(A) Design. Force main system shall be designed to withstand all pressures (including water hammer and associated cyclic reversal of stresses), and maintain a velocity of at least two feet (2') per second.

(B) Installation. For installation follow the provisions in 10 CSR 20-8.120(3)(A).

(C) Protection of Water Supplies. For separation between water mains and sanitary sewer force mains**,** follow the provisions in 10 CSR 20-8.120(5).

(D) Locator wire. For locator wire, follow the provisions in 10 CSR 20-8.125(5)(A)5.

AUTHORITY: section 644.026, RSMo 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018, effective Feb. 28, 2019. Amended: Filed June 14, 2024.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources. To be considered, comments must be received by the end of the public comment period, which is 5 p.m. Aug. 23, 2024. A public hearing is scheduled for Aug. 15, 2024, at 1 p.m., at the Department of Natural Resources, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65101. A virtual option is available at https://stateofmo.webex.com/stateofmo/j.php?MTID=m7eaa55255b7412c63ff1b28741ab4a79 meeting number (access code) 2632 390 5506, password wKZkHv3K8J6, or call-in number 1-650-479-3207. Comments may also be submitted to Scott Adams, Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176, via email at scott.adams@dnr.mo.gov, or online at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN.

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 20 – Clean Water Commission
Chapter 8 – *Minimum* Design *[Guides]* *Standards*

PROPOSED AMENDMENT

10 CSR 20-8.200 Wastewater Treatment Lagoons, *[and]* Wastewater Irrigation Alternatives, *and Earthen Basins*. The department is amending the chapter and rule titles, sections (1), (3), (4), and (6), adding new section (2), and renumbering as necessary.

PURPOSE: This proposed amendment contains changes that are administrative in nature, allows an engineer to propose an alternative design that is justified and is at least as effective as the requirements of this chapter, clarifies that additional geologic information may be submitted, and clarifies the applicability includes earthen basins.

(1) Applicability. Wastewater systems that utilize lagoons**, earthen basins,** and wastewater irrigation alternatives shall be designed based on criteria contained in this rule, published standards, applicable federal and state requirements, standard textbooks, current technical literature, and applicable safety standards. In the event of any conflict between the above criteria, the requirement in this rule shall prevail.

(C) This rule shall not apply to lagoons or earthen basins built to contain or control the release of stormwater only that does not come in contact with process waste or process wastewater.

(D) This rule shall not apply to any earthen basin constructed to retain and settle nontoxic, nonmetallic earthen materials such as soil, silt, and rock.

(2) Alternative Design. The department may approve an alternative design when it determines that the proposed alternative design is as effective or more effective than the requirements of this chapter and when compliance with the design requirements of this chapter would be unfeasible or impractical. The owner of a project proposing an alternative design must provide engineering justification to the department. The justification must –

(A) Be requested in writing;

(B) Be signed, sealed, and dated by a professional engineer licensed in Missouri;

(C) Include an explanation of how compliance with a design requirement of this chapter is unfeasible or impractical; and

(D) Include all pertinent facts, data, reports, and studies certifying the proposed alternative design will result in equivalent or improved effectiveness compared to the minimum design requirement in this chapter.

*[(2)]***(3)** Supplementary Field Data for the Facility Plan. The facility plan shall contain pertinent information on location, geology, soil conditions, area for expansion, and any other factors that will affect the feasibility and acceptability of the proposed project, including the information required per 10 CSR 20-8.110. The following information must be submitted:

(A) Lagoons and spray irrigation fields shall be located where stormwater runoff from the watershed is minimized*[.]***;**

(B) Geohydrologic*[al]* Evaluation. A geohydrologic*[al]* evaluation shall be requested on all new earthen basins, earthen basin major modifications, new wastewater irrigation sites, and subsurface absorption fields. **Supplemental information may be submitted for consideration by the department;**

1. Severe *[C]***c**ollapse *[P]***p**otential. Earthen basins shall not be located in areas with a severe collapse potential rating **unless additional information supports an alternative determination by the department for the proposed location***[.]***;**

(C) Soils investigation. Detailed soils investigations and reports shall be submitted for facilities surface irrigating more than twenty-four inches per year (24"/yr) and for all subsurface absorption fields. Soils reports shall comply with 10 CSR 20-

8.110(7)*[.]***;**

(D) Where geosynthetic liners are used in storage or treatment basins for wastewaters of an industrial nature, the application shall*[:]* **–**

1. Document that the liner or storage structure material is capable of containing the wastewater for at least twenty (20) years;

2. Specify repair or replacement procedures in the event of leakage or damage to the seal; and

3. Include an evaluation of secondary containment or leakage detection and collection devices for corrosive or reactive wastewaters and for toxic materials.

*[(3)]***(4)** Basis of Design.

(A) Area and Loadings for Discharging Lagoons.

1. Lagoon design for BOD_5 loadings shall not exceed thirty-four pounds per day per acre (34 lbs/day/acre) at the three-foot (3') operating depth in the primary cells.

2. Aerated lagoons. Aeration equipment shall be capable of*[:]* **–**

A. Maintaining the design level of dissolved oxygen within a particular cell with one (1) unit in the cell out of service;

B. Maintaining a minimum dissolved oxygen level of two milligrams per liter (2 mg/L) in the lagoon at all times;

C. Delivering one and four tenths pounds of oxygen per pound of biochemical oxygen demand removed (1.4 lbs O_2/1 lb BOD); and

D. Delivering an additional four and sixth tenths pounds of oxygen per pound of ammonia nitrogen removal (4.6 lbs O_2/1 lb NH_3).

(B) Area and Loadings for Wastewater Irrigation Storage Basins. Treatment prior to surface irrigation shall provide performance equivalent to that obtained from a primary wastewater lagoon cell designed and constructed in accordance with section *[(4)]***(5)** of this rule, except that the lagoon depth may be increased to include wastewater storage in addition to the primary volume.

*[(4)]***(5)** Lagoon **and Earthen Basin** Construction Details.

(A) Embankments and Berms.

1. Berms shall be constructed of relatively impervious material and compacted to at least ninety-five percent (95%) maximum dry density test method to form a stable structure.

2. The minimum berm width shall be eight feet (8') to permit access of maintenance vehicles.

3. Minimum freeboard shall be two feet (2').

4. An emergency spillway shall be provided that –

A. Prevents the overtopping and cutting of berms;

B. Is compacted and vegetated or otherwise constructed to prevent erosion; and

C. Has the ability for a representative sample to be collected, if discharging.

(B) Lagoon **and Earthen Basin** Bottom. Soil shall be compacted with the moisture content between two percent (2%) below and four percent (4%) above the optimum water content and compacted to at least ninety-five percent (95%) maximum dry density test method.

(C) Lagoon **and Earthen Basin** Seal.

1. The lagoon **or earthen basin** shall be sealed to ensure that seepage loss is as low as possible and has a design permeability not exceeding 1.0×10^{-7} cm/sec.

2. Soil seals. The minimum thickness of the compacted clay liner must be twelve inches (12"). For permeability coefficients greater than 1.0×10^{-7} cm/sec or for *[heads]* **design average operating depths** over five feet (5'), such as an aerated lagoon system, the following formula shall be used to determine minimum seal thickness, Equation 200-1:

Equation 200-1

$$t = \frac{H \times K}{5.4 \times 10^{-7} \text{ cm/sec}}$$

where:

K = the permeability coefficient of the soil in question;

H = the *[head]* **design average operating depth** of water in the lagoon **or earthen basin, excluding the inner berm depth**; and

t = the thickness of the soil seal.

3. Synthetic liners. Synthetic seals thickness may vary due to liner material, but the liner thickness shall be no less than two-hundredths inch (.02") or twenty (20) mil and be the appropriate material to perform under existing conditions.

4. Seep collars shall be provided on drainpipes where they pass through the lagoon **or earthen basin** seal.

(D) Influent Lines.

1. Unlined corrugated metal pipe shall not be used due to corrosion problems.

2. A manhole shall be installed with its invert at least six inches (6") above the maximum operating level of the lagoon **or earthen basin**, prior to the entrance into the primary cell, *[and]* **to** provide sufficient hydraulic head without surcharging the manhole. For manhole installation, follow the provisions listed in 10 CSR **20-**8.120(4).

3. The influent line(s) shall be located along the bottom of the lagoon **or earthen basin** so that the top of the pipe is just below the average elevation of the lagoon **or earthen basin** seal; however, there shall be an adequate seal below the pipe.

*[(5)]***(6)** Covers for Lagoon Retrofits.

(A) Lagoon covers shall be constructed with a minimum thickness of *[2 mil]* **two-thousandths inch (.002"), two (2) mil,** or meet the manufacturer's recommendations, and be ultraviolet and weather resistant.

(B) Trial seams shall be used to verify acceptable installation techniques.

(C) The cover shall include a stormwater removal system that conveys collected precipitation to sumps or includes drainage areas in the membrane within the acceptable leakage rate to allow stormwater to drain into the lagoon.

*[(6)]***(7)** Surface Irrigation of Wastewater.

(A) Site Considerations. For site considerations, follow the provision in section *[(2)]***(3)** of this rule.

(B) Wetted Application Area. The wetted application area is the land area that is normally wetted by wastewater application. The wetted application area must be*[:]* **–**

1. Located outside of flood-prone areas having a flood frequency greater than once every ten (10) years;

2. Established –

A. At least one hundred fifty feet (150') from existing dwellings or public use areas, excluding roads or highways;

B. At least fifty feet (50') inside the property line;

C. At least three hundred feet (300') from any sinkhole, losing stream, or other structure or physiographic feature that may provide direct connection between the ground water table and the surface;

D. At least three hundred feet (300') from any existing potable water supply well not located on the property. Adequate protection shall be provided for wells located on the application site;

E. One hundred feet (100') to wetlands, ponds, **and** gaining streams (classified or unclassified; perennial or

intermittent); and

F. If an established vegetated buffer or the wastewater is disinfected, the setbacks established in subsections (A)–(E) *[above]* **of this section** may be decreased if the applicant demonstrates the risk is mitigated; and

3. Fenced, or if not fenced, provide in the construction permit application or the facility plan, the –

A. Method of disinfection being utilized;

B. Suitable barriers in place, or

C. Details on how public access is limited and not expected to be present.

(C) Preapplication Treatment. At a minimum, treatment prior to irrigation shall provide performance equivalent to that obtained from a primary wastewater lagoon cell designed and constructed in accordance with sections *[(3)]***(4)** and *[(4)]* **(5)** of this rule, except that the lagoon depth may be increased to include wastewater storage in addition to the primary volume.

1. The size of storage basins shall be based on the design wastewater flows and net rainfall minus evaporation expected for a one (1) in ten (10) year *[twenty-four (24) hour return]* frequency for the storage period selected and shall meet the minimum storage days listed below.

A. Seventy-five (75) days for facilities located in *[Scott, Stoddard, Butler, Dunklin, New Madrid, Pemiscot, Mississippi, McDonald, Newton, Jasper, Lawrence, Barry, Stone, Taney, Christian, Green, Webster, Douglas, Ozark, Howell, Texas, Dent, Shannon, Oregon, Ripley, Carter, Reynolds, Iron, Madison, Wayne, Cape Girardeau, Barton, Dade, Perry, and Bollinger counties]* **Barry, Barton, Bollinger, Butler, Cape Girardeau, Carter, Christian, Dade, Dent, Douglas, Dunklin, Greene, Howell, Iron, Jasper, Lawrence, Madison, McDonald, Mississippi, New Madrid, Newton, Oregon, Ozark, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, Stone, Taney, Texas, Wayne, Webster, and Wright counties**.

B. Ninety (90) days for facilities located in *[Vernon, Bates, Henry, St. Clair, Cedar, Dallas, Polk, Hickory, Benton, Cooper, Morgan, Moniteau, Miller, Cole, Camden, Laclede, Pulaski, Phelps, Maries, Osage, Gasconade, Franklin, Jefferson, St. Louis, Ste. Genevieve, St. Francois, St. Charles, and Crawford counties]* **Bates, Benton, Camden, Cedar, Cole, Crawford, Dallas, Franklin, Gasconade, Henry, Hickory, Jefferson, Laclede, Maries, Miller, Moniteau, Morgan, Osage, Phelps, Polk, Pulaski, St. Charles, St. Clair, St. Francois, St. Louis, St. Louis City, Ste. Genevieve, Vernon, and Washington counties**.

C. One hundred five (105) days for facilities located in *[Cass, Johnson, Pettis, Platte, Jackson, Clay, Ray, Lafayette, Carroll, Saline, Chariton, Randolph, Howard, Boone, Callaway, Audrain, Monroe, Ralls, Pike, Lincoln, Warren, and Montgomery counties]* **Audrain, Boone, Callaway, Carroll, Cass, Chariton, Clay, Cooper, Howard, Jackson, Johnson, Lafayette, Lincoln, Monroe, Montgomery, Pettis, Pike, Platte, Ralls, Randolph, Ray, Saline, and Warren counties**.

D. One hundred twenty (120) days for facilities located in *[Atchison, Holt, Andrew, Nodaway, Worth, Gentry, DeKalb, Harrison, Daviess, Grundy, Mercer, Putnam, Sullivan, Linn, Macon, Adair, Schuyler, Scotland, Clark, Knox, Lewis, Shelby, Buchanan, Clinton, Caldwell, Livingston, and Marion counties]* **Adair, Andrew, Atchison, Buchanan, Caldwell, Clark, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Knox, Lewis, Linn, Livingston, Macon, Marion, Mercer, Nodaway, Putnam, Schuyler, Scotland, Shelby, Sullivan, and Worth counties**.

E. Seasonal facilities. For facilities that operate and generate flows only from April through October season, a minimum storage capacity of forty-five (45) days shall be provided. For facilities that operate or generate flows only from November through March, the minimum storage listed in subsections (A)–(D) *[above]* **of this section** is required.

(D) Application Rates and Soils Information. The application rates for each individual site shall be based on topography, soils, geology, hydrology, weather, agricultural practice, adjacent land use, and application method. Application of wastewater shall not be allowed during periods of ground frost, frozen soil, saturated conditions, or precipitation events. In design of the application rates, the following shall apply:

1. Do not exceed the hourly application rate at the design sustained permeability rate except for short periods when initial soil moisture is significantly below field capacity. Do not exceed an hourly rate of one-half (½) the design sustained permeability for slopes exceeding ten percent (10%);

2. Base the daily and weekly application rates on soil moisture holding capacity, antecedent rainfall, and depth to the most restrictive soil permeability.

A. For facilities applying at twenty-four inches per year (24"/yr), the application rate cannot exceed one inch (1") per day and three inches (3") per week.

B. For facilities applying above twenty-four inches per year (24"/yr), the application rate cannot exceed the values determined in the soils report and loading design. Follow the provisions in 10 CSR 20-8.110(7), Soils Reports**,** for additional information; and

3. Design the maximum annual application rate not to exceed ten percent (10%) of the design sustained soil permeability rate for the number of days per year when soils are not frozen.

(E) The applicant shall defer the grazing of animals or harvesting of forage crops, as listed below, following wastewater irrigation, depending upon ambient air temperature and sunlight conditions:

1. Fourteen (14) days from grazing or forage harvesting during the period from May 1 to October 31 of each year; and

2. Thirty (30) days from grazing or forage harvesting during the period from November 1 to April 30 of each year.

(F) Public Access Areas. Wastewater shall be disinfected prior to irrigation (not storage) in accordance with 10 CSR 20-8.190.

1. The wastewater shall contain as few of the indicator organisms as possible and in no case contain more than one hundred twenty-six (126) *Escherichia coliform* colony forming units per one hundred milliliters (126 cfu/100 ml);

2. The public shall not be allowed into an area when irrigation is being conducted.

3. For golf courses utilizing wastewater, all piping and sprinklers associated with the distribution or transmission of wastewater shall be color-coded and labeled or tagged to warn against the consumptive use of contents.

(G) Alarm System. An automatic notification alarm system shall be installed on the pressure monitoring system, on each pivot and pump system, and be capable of notifying an on-call operator when a fault occurs in the system.

*[(7)]***(8)** Subsurface Absorption Systems.

(A) Site Restrictions.

1. Subsurface systems shall –

A. Exclude unstabilized fill and soils that have been highly compacted and/or disturbed, such as old road beds, foundations, or similar things;

B. Provide adequate surface drainage where slopes are less than two percent (2%);

C. Provide surface and subsurface water diversion where necessary, such as a curtain or perimeter drain; and

D. Have a ten-foot (10') buffer from the property line.

2. The vertical separation between the bottom of the drip lines and/or the trench and a limiting layer, including but not limited to bedrock, restrictive horizon, or seasonal high water table, shall be no less than –

A. Twenty-four inches (24"); or

B. Twelve inches (12") for systems dispersing secondary or higher quality effluent; or

C. Forty-eight inches (48") where karst features are present *[unless the site can be reclassified]*.

(B) Preliminary treatment. Subsurface systems shall be, at a minimum, preceded by preliminary treatment. For design of a secondary treatment system, follow the provisions in 10 CSR 20-8.180 or section *[(3)]***(4)** of this rule.

(C) Loading rates shall not exceed the values assigned by the site and soil evaluation.

*[(8)]***(9)** Low Pressure Pipe (LPP) Subsurface Systems.

(A) Design.

1. The LPP system shall be sized in accordance with the following equations, Equation 200-2 and Equation 200-3:

Equation 200-2

$$A = \frac{Q}{LTAR}$$

and Equation 200-3

$$L = \frac{A}{5\ ft}$$

where:

A = Minimum LPP soil treatment area (square feet (sq.ft))

L = Minimum total length of LPP trench (ft)

Q = Maximum daily wastewater flow (gallons per day (gpd))

LTAR = Long term acceptance rate (gpd/sq.ft). This is the lowest reported LPP soil loading rate between the soil surface and at least twelve inches (12") below the specified LPP trench bottom, or as approved by the Missouri Department of Natural Resources (department).

2. All network piping and low pressure distribution piping and fittings with polyvinyl chloride (PVC) shall meet ASTM Standard D 1785 *Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, or 120* as approved and published August 1, 2015, or equivalent rated to meet or exceed ASTM D2466 *Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings* as approved and published August 1, 2017. These standards *[shall hereby be]* **are** incorporated by reference into this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.

3. Manifold design shall address freeze protection while assuring uniform distribution and to minimize drain down of laterals into other laterals at a lower elevation between dosing events.

(B) Dosage. The dosing frequency shall be based on the soils report and the dosing volume in zoned systems.

(C) Orifices and Orifice Shielding.

1. The orifice number and spacing shall be designed to provide a distribution of no more than six **(6)** square feet per orifice with an orifice size of not less than one-eighth **(1/8)** inch.

2. The distal pressure shall be designed and maintained at the end of each lateral to be no less than two feet (2 ft) (0.87 psi) when using three-sixteenth inch (3/16") or larger diameter orifices, and no less than five feet (5 ft) (2.18 psi) when using orifices smaller than three-sixteenth inch (3/16").

*[(9)]***(10)** Drip Dispersal Subsurface Systems.

(A) Design.

1. The location and size of the drains and buffers must be factored into the total area required for the drip dispersal system.

2. The drip dispersal system shall be sized with the minimum soil treatment area and total length, in accordance with the following equations, Equation 200-4 and Equation 200-5:

Equation 200-4

$$A = \frac{Q}{HLR}$$

Equation 200-5

$$L = \frac{A}{2\ feet}$$

Where:

A = Minimum soil treatment area (square feet (sq. ft))

Q = Maximum daily wastewater flow (gallons per day (gpd))

HLR = Maximum hydraulic loading rate determined in the soils report (gpd/sq.ft)

L = Minimum total length **of drip dispersal lines** (ft)

(B) Lines.

1. The drip dispersal lines shall be placed at a minimum depth of six inches (6") below the surface.

2. Emitters and drip dispersal lines shall be placed at a minimum on a two-foot (2') spacing to achieve even distribution of the wastewater and maximum utilization of the soil.

AUTHORITY: section 644.026, RSMo 2016. Original rule filed Aug. 10, 1978, effective March 11, 1979. Amended: Filed June 15, 2018, effective Feb. 28, 2019. Amended: Filed June 14, 2024.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PUBLIC COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources. To be considered, comments must be received by the end of the public comment period, which is 5 p.m. Aug. 23, 2024. A public hearing is scheduled for Aug. 15, 2024, at 1 p.m., at the Department of Natural Resources, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65101. A virtual option is available at https://stateofmo.webex.com/stateofmo/j.php?MTID=m7eaa55255b7412c63ff1b28741ab4a79 meeting number (access code) 2632 390 5506, password wKZkHv3K8J6, or call-in number 1-650-479-3207. Comments may also be submitted to Cindy LePage, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176, via email at cindy.lepage@dnr.mo.gov, or online at https://apps5.mo.gov/proposed-rules/welcome.action#OPEN.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 38 – Adoption and Guardianship Subsidy

PROPOSED AMENDMENT

13 CSR 35-38.010 Adoption and Guardianship Subsidy. The division is amending sections (1), (10), and (12).

PURPOSE: This proposed amendment amends sections (1), (10), and (12) to bring the rule into compliance with changes to the law and methods of administration governing the subsidized childcare program and changes to how residential treatment services are approved and administered.

(1) Definitions. For purposes of this section, the following terms shall mean*[:]* –

[(K) Registered Childcare Provider. A license-exempt childcare provider maintaining requirements of the Children's Division to provide subsidized childcare through a registration agreement;]

*[(L)]***(K)** Relative. A person related to another by blood, adoption, or affinity within the third degree (grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin);

*[(M)]***(L)** Kinship. A person who is non-related by blood, marriage, or adoption who has a close relationship with the child or child's family (godparents, neighbors, teachers, close family friends, and fellow church members) or a person who has a close relationship with the child or child's family and is related to the child by blood or affinity beyond the third degree; and

*[(N)]***(M)** Licensed Foster Family. A private residence of one (1) or more family members providing twenty-four- (24-) hour care to one (1) or more but less than seven (7) children who are unattended by a parent or guardian and unrelated to either foster parent by blood, marriage, or adoption and licensed through the Children's Division.

(10) Childcare.

[(A) A subsidy agreement may include childcare services as a part of the basic subsidy package for children up to age thirteen (13) when both adoptive parent(s) or guardian(s) are working or going to school. Adoptive parent(s) or guardian(s) are required to utilize a licensed and contracted or registered childcare provider. In unusual cases where the medical, behavioral, or developmental needs of the child are such that it is medically, behaviorally, or developmentally necessary for the child to receive childcare beyond age thirteen (13), the division may grant an exception and authorize payment for childcare through the adoption or guardianship subsidy agreement for children over age thirteen (13). The determination of medical, behavioral, or developmental necessity shall not be made before the child reaches the age of twelve (12) years. These requests will be considered on a case-by-case basis. The adoptive parent(s) or guardian(s) shall submit a written request to the division for continued childcare. In the request, the adoptive parent(s) or guardian(s) shall describe the medical needs and/or behaviors of the child which the parent(s) or guardian(s) believe qualifies the child for the continued childcare. The adoptive parent(s) or guardian(s) shall provide any and all information and documentation the Children's Division may determine is necessary and convenient to process the request, including, but not limited to—

1. A statement from a physician or mental health professional explaining why childcare is medically, behaviorally, or developmentally necessary;

2. A statement regarding the adoptive parent's(s') or guardian's(s') inability to locate community programs to assist with supervision of the child;

3. A statement including the hours of care needed per day or week, and anticipated duration of care shall be included in these requests;

4. The names and full contact information for all medical care providers for the child for all relevant times, including all physicians, hospitals, and clinics which have provided care, diagnosis, and treatment for the child;

5. The names and full contact information for all mental and behavioral health care providers for the child for all relevant times, including all therapists, licensed clinical social workers, psychologists, hospitals, and clinics which have provided care, diagnosis, and treatment for the child;

6. The names, addresses, and full contact information for all schools and educational institutions which provided educational services and/or assessments for the child; and

7. The names, addresses, and full contact information for any other person who may have information necessary to assess the medical, behavioral, and/or developmental needs of the child.

(B) The adoptive parent(s) or guardian(s) shall provide the Children's Division with any written authorizations to release information which the Children's Division determines is necessary and convenient to process the request.]

(A) Eligibility for subsidized childcare shall be determined by Department of Elementary and Secondary Education (DESE) and governed by the regulations of DESE.

(B) The division or child-placing agency may provide referrals to DESE or DESE's authorized representatives to apply for subsidized childcare.

(12) Additional Services – An adoption or guardianship subsidy agreement may include provisions for the Children's Division to provide the following:

(A) **The division may offer available** Intensive In-Home Services (IIS) *[may be offered]* **or other services** to the adoptive parent*[(s)]* or guardian*[(s)]* **for the family** who is in need of intervention that may reduce the risk of the child entering out-of-home care;

(B) *[Residential Care Services]* **For all existing adoption and guardianship subsidy agreements amended on or after June 25, 2024, and for all adoption and guardianship subsidy agreements executed or amended on or after June 25, 2024, payment for care and treatment of a child in a residential setting (hereinafter referred to in this regulation as "residential treatment")** (*[A]*ll *[L]*levels) may be included in a subsidy agreement or added to the subsidy agreement through an amendment*[, but only if residential care is the least restrictive treatment setting and program appropriate to meet the child's needs]* **only as provided in this subsection**. The amendment must be **approved and** signed by the director of the Children's Division **or the director's designee** before *[residential services may begin and]* payment for such services is made.

1. The division may approve payment, in whole or in part, for residential treatment of a child in a subsidy agreement only if all of the following criteria and conditions are met:

A. The division has determined that care and treatment of the child out of the home in a residential setting is the least restrictive setting and the program is necessary and appropriate to meet the child's needs. The

division may require that the child and family exhaust all reasonably available, less restrictive treatment modalities for the child before entering into an agreement to pay residential treatment;

B. The division has determined that it is necessary for the child to receive treatment at a particular level of care in a residential setting;

C. The child has been accepted for treatment by a residential facility that is licensed by the state to provide the treatment, and the facility is either an enrolled MO HealthNet provider, an enrolled provider of the Medicaid program in the state in which the child is located, or a facility contracted with the state of Missouri for payment for the services;

D. Except as provided in subparagraph (12)(B)1.G. below, the child has received an approved prior authorization for treatment in the identified residential treatment facility. The approved prior authorization must be in writing and include a determination that the child requires residential treatment at a particular level of care to a reasonable degree of professional certainty according to the eligibility standards specified in this regulation.

(I) For children covered by a subsidy agreement, who are residents of the state of Missouri and are participants in the MO HealthNet program, the prior authorization must be provided by the MO HealthNet Division or the provider contracted with the MO HealthNet Division to make those determinations.

(II) For children covered by a subsidy agreement who are not residents of the state of Missouri, but who are participants in the MO HealthNet program, then the prior authorization must be provided by the MO HealthNet Division or the managed care provider contracted with the MO HealthNet Division to make those determinations.

(III) For children who are not residents of the state of Missouri, who are not current participants in the MO HealthNet program, and are participants in another state's Medicaid program, prior authorization shall be provided by the Medicaid program from the other state.

(IV) For children who are not residents of the state of Missouri, who are not current participants in the MO HealthNet program, and are either not participants in another state's Medicaid program or the other state's Medicaid program does not pay for residential treatment, then the Children's Division will use the exception procedure in subparagraph (12)(B)1.G. below to determine eligibility for subsidized residential treatment;

E. Every child receiving payment for residential treatment through a subsidy agreement shall have a current written plan of care;

F. The Children's Division will only enter into a subsidy agreement to pay for residential treatment if the facility is the closest available facility to the child's home that provides the array of services that the division determines are necessary for the child at a contract price for those services agreeable to the division;

G. In exceptional, extraordinary, and unusual circumstances, the division may, in its discretion, waive the requirement in subparagraph (12)(B)1.D. of this regulation that the child has received prior authorization for payment through a subsidy agreement for residential treatment, but only if all of the following criteria are met:

(I) All of the other criteria for eligibility for payment for treatment in a residential care facility have been met;

(II) Either the adoptive parent or guardian has filed an appeal of the denial of prior authorization, or the child is a resident of a state whose Medicaid program does not include payment for the necessary residential treatment;

(III) The child's treating or examining psychiatrist, psychologist, physician, advanced practice psychiatric nurse, marital and family therapist, nurse practitioner, licensed professional counselor, or licensed clinical social worker certifies to a reasonable degree of medical certainty in writing that treatment in a residential facility at the indicated level of care is necessary. The Children's Division may at any time, in its discretion, require the child to be examined and the certification and child's records reviewed by other licensed medical professionals for an independent assessment of the medical necessity for residential treatment. The division will determine what weight shall be given to conflicting opinions of medical experts;

(IV) The division determines that funds are available to pay for the treatment in a residential facility;

(V) The duration of the waiver shall be determined as follows:

(a) In the case where the waiver was triggered by a request for administrative review of the denial of a request to approve residential treatment, the waiver shall extend until the appeal has been decided on administrative review. The division may extend the waiver period if there is a request for judicial review of the administrative decision; or

(b) In the case where the waiver was necessary because the child is a resident of a state whose Medicaid program does not include payment for the necessary residential treatment, the waiver shall be subject to the continuing care reviews as provided in this regulation; or

(c) The division determines that treatment in a residential facility is no longer necessary, such as where the child is discharged from residential treatment; and

(VI) The division determines that the child may be a danger to self or others.

2. Responsibilities of the adoptive parent or guardian. The implementation of a subsidy agreement to subsidize payment for residential treatment does not and shall not absolve the adoptive parent or guardian of any and all of the duties and responsibilities that they may have toward the child under law. The fact that the Children's Division has entered into a subsidy agreement for payment for residential treatment does not mean that the child is or has been placed in the legal or physical custody of the Children's Division.

A. The adoptive parent or guardian shall be responsible for researching and exhausting all reasonably available, less restrictive, community-based care and treatment modalities before the division will approve subsidized residential treatment. The Children's Division may provide referrals and information to support the adoptive parent or guardian in that effort.

B. The adoptive parent or guardian shall remain responsible for the support of the child throughout the child's residential treatment and making arrangements for the physical care, custody, and placement of the child when treatment in a residential care facility is no longer necessary. This duty of support shall include both financial support and exercising all duties of a parent or guardian, including but not limited to making decisions for the child, visiting the child, actively participating with the provider in all aspects of the management of the child's care and treatment, and engaging in active efforts to enable the

child to return home.

C. If the adoptive parent or guardian is unable or unwilling to exercise these efforts or does not actively demonstrate a desire for the child to be returned to their home, then the division may take one (1) or more of the following actions:

(I) Decline to authorize payment for residential treatment under a subsidy agreement;

(II) Institute any available remedy for the modification or termination of the adoption or guardianship subsidy agreement, in whole or in part;

(III) Take any other action authorized by law, including a referral to the juvenile officer or the child welfare authorities of another state for investigation, assessment, or other appropriate action.

D. The adoptive parent or guardian shall provide all information and documentation that the Department of Social Services (state Medicaid agency), the state Medicaid agency's contractor, and the division determines necessary for determining eligibility, and continuing eligibility, for payment for residential treatment under a subsidy agreement. This includes but is not limited to executing Health Insurance Portability and Accountability Act (HIPAA) and Family Education Rights and Privacy Act (FERPA) compliant consents to authorize the release of all information and records that the division and the state Medicaid agency and the state Medicaid agency's contractor may deem necessary.

3. Residential treatment that is eligible for payment under a subsidy agreement.

A. The subsidy agreement may include payment on behalf of a child who is the subject of a subsidy agreement in a residential treatment facility for –

(I) The reasonable and necessary cost for room and board for the child at the rate specified in the contract between the division and the provider of residential treatment;

(II) If the division has granted a waiver as provided in subparagraph(12)(B)1.G., then the division will pay the provider the agreed-upon amount for necessary residential treatment specified in the contract between the division and the provider of residential treatment; or

(III) Discharge planning. The division may, but is not required to, pay for residential treatment for a limited period of time specified in the subsidy agreement to allow the family to establish and implement the necessary in-home or community-based treatment for the child, provided that the parent and guardian exercise diligent and active efforts to implement and complete the discharge plan within the time specified in the subsidy agreement. Discharge planning extensions shall be reviewed monthly or more frequently as necessary.

B. The subsidy agreement shall not include, and the division is not required to pay through a subsidy agreement for, any one (1) or more of the following:

(I) Residential treatment and other services that are covered by MO HealthNet or the Medicaid program of any other state;

(II) Residential treatment that is covered by any policy of insurance that provides coverage for the child;

(III) Residential treatment that is not necessary;

(IV) Residential treatment that is beyond the scope of the participant's plan of care or discharge plan;

(V) Residential treatment that is available to the child through other government or privately funded programs, including but not limited to schools and school districts, community-based services, and services provided by not-for-profit and religious organizations;

(VI) Residential treatment provided after the approved length of stay or after the child is discharged from the facility;

(VII) Residential treatment on behalf of a child to a provider who does not have a contract to provide the service with the state of Missouri; or

(VIII) Residential treatment and other services that are provided by a provider who is not qualified and licensed to provide the treatment in the location where the treatment is provided.

4. Payments for residential treatment shall be made directly to the provider of the residential treatment pursuant to a contract between the state of Missouri and the provider. The adoptive parent or guardian and child shall not be a party or be a third-party beneficiary of the contract between the state of Missouri and the provider. No payments shall be made to a provider that is not currently licensed in good standing to provide the care and treatment. No payments shall be made directly to the adoptive parent or guardian. No payments shall be made to a provider who is either not an enrolled Medicaid provider or who does not have a contract with the state of Missouri to provide the service. The laws and regulations governing contracting with the state of Missouri shall govern all contracts for services under this regulation.

5. For the Children's Division to determine that residential treatment at a specific level of care is necessary, all of the criteria in subparagraphs (12)(B)5.A.-H. must be met, subject to the definition of "medical condition" specified in subparagraph (12)(B)5.I.

A. The child's medical condition must satisfy all of the eligibility requirements of 13 CSR 35-38.010(12)(B).

B. The child must have one (1) or more current diagnosed medical condition(s), injury, or illness. The diagnosis may be final or provisional.

C. The diagnosis must have been made by a medical professional who is licensed and qualified by law to make that diagnosis.

D. Care and treatment in a residential facility for the child's diagnosis meets the generally accepted standard for care and treatment for the child's diagnosed condition.

E. Care and treatment in a residential setting is not experimental and is not mainly prescribed for the convenience of the child or the child's parent or guardian.

F. Care and treatment in a residential setting is reasonably necessary to protect the life, safety, and health of the child.

G. The care and treatment is not optional or for purely cosmetic purposes.

H. Treatment at home or in a lower level of care for the medical condition has been ruled out by a medical professional who is licensed and qualified to determine whether the treatment is medically inappropriate.

I. In this regulation the phrase "medical condition" includes a diagnosed physical, psychiatric, psychological, and/or developmental condition.

6. The following documentation shall be submitted to complete both the medical necessity and prior authorization determination process:

A. A report of a full assessment by a licensed and qualified health care professional using the most recent version of the Daily Living Activities (DLA-20) assessment process and tool. If a DLA-20 assessment process and tool is not available, the division may, in its discretion, accept

an assessment using an equivalent, current assessment tool, provided that the assessment and tool is evidence-based, objective, generally accepted, and actually used in the medical community as a tool for assessments for care and treatment in residential facilities. The assessment must be completed by a clinician licensed in the state in which the tool is administered and who is trained and qualified to use the tool. The assessment and tool must be the most recent version of the tool as of the date of the assessment. Other tools that may be used when a DLA-20 assessment is not available may include the Level of Care Utilization System (LOCUS) for youth over age eighteen (18), the Child and Adolescent Level of Care/Service Intensity Utilization System (CALOCUS-CASII) for children aged six to eighteen (6-18), and the Early Childhood Service Intensity Instrument (ESCII) for children aged zero to five (0-5);

B. Any relevant child/youth psychiatric/behavioral health diagnoses;

C. The most recent psychiatric evaluation completed by a psychiatrist, psychologist, or advanced practice nurse, if one is available;

D. A statement detailing the rationale for residential treatment at the requested level of care;

E. Documentation of previous treatment history and outcome of treatment, if applicable and available;

F. Documentation of the name, address, telephone number, email address, and all other contact information for the adoptive parent or legal guardian of the child;

G. A discharge plan when available. Discharge planning shall start at admission and shall be continuously developed and evaluated throughout the child's stay in residential treatment; and

H. The child's parent or guardian shall complete and submit a CS-9 form to the best of their ability in cooperation with the assigned subsidy worker. The adoptive parent or guardian shall sign the form and certify that the information that they have provided is true, complete, and accurate to the best of their personal knowledge, information, and belief.

7. The adoptive parent or guardian shall have the burden of proof to establish by a preponderance of the evidence that the child is eligible for both initial and continuing treatment in a residential care facility at a particular level of care.

8. Except as otherwise provided elsewhere in these regulations, the division shall not approve payment for residential treatment in a residential care facility in a subsidy agreement for more than six (6) consecutive months. The Children's Division may enter into subsequent amended subsidy agreements that include payment for treatment in a residential setting following the continuing stay review procedures.

9. Continuing stay reviews. All subsidy agreements that include payment for a child in residential treatment shall be subject to continuing stay reviews.

A. The date for the first continuing stay review will be included in the child's plan of care and dates for subsequent continuation in care reviews shall be included in all subsequent plans of care. The date for the first continuing stay review shall be no later than ninety (90) days from the date of the placement of the child in the facility.

B. The purpose of the continuing stay review is to determine whether ongoing treatment of the child in a residential facility is necessary and whether the child's treatment needs can be met at a lower level of care. The same procedures, standards, and criteria for initial approval for payment for residential treatment services shall apply to continuing stay reviews.

C. Documentation. The child's adoptive parent or guardian shall be responsible for ensuring that all of the documentation necessary to establish that continuing in a residential treatment setting at a specified level of care is necessary. The documentation and review shall include –

(I) The child's plan of care since the last review;

(II) The treatment team member's progress notes;

(III) The progress notes of the child's treating psychiatrist, psychologist, physician, and/or therapists;

(IV) Family therapy progress notes since the last review period, or detailed documentation to establish whether family therapy sessions are not occurring or have been excused;

(V) The medications that the child has been prescribed and taking, including any updates;

(VI) The child's discharge plan, including any details currently available and including any established outpatient providers, appointment dates and times, and recommended level of care;

(VII) The efforts that the adoptive family or guardian have engaged in to participate in the child's care and treatment;

(VIII) At the request of the provider, the payer of coverage for residential treatment, the parent, guardian, or the Children's Division, completion of a new DLA-20 or equivalent assessment of medical necessity by a clinician trained and qualified to perform the assessment; and

(IX) A written certification to a reasonable degree of medical probability that continuing treatment in a residential care facility is necessary.

*[1.]***10.** Residential referral process. **The procedures in this subsection shall govern all requests for payment for services, care, and treatment in a residential setting through an adoption or guardianship subsidy agreement.**

A. At any time, the adoptive parent*[(s)]* or guardian*[(s)]* may request residential services. The division may refer the case to an IIS provider. If the division determines that IIS is appropriate, the division may provide IIS rather than residential services.

B. Community resources are to be researched by the adoptive parent*[(s)]* or guardian*[(s)]*, with the assistance of their division caseworker **and the child's care manager (if applicable)**, and efforts documented*[,]* prior to making a residential treatment referral.

C. In the event that IIS is ineffective in remedying the situation and other community resources have not produced the necessary change in the family unit and/or adoptive parent*[(s)]* or guardian*[(s)]* are *[unwilling]* **reasonably unable** to *[utilize]* **access** alternative resources to prevent placement in residential care, the adoptive parent*[(s)]* or guardian*[(s)]* must provide information necessary to evaluate the needs of the child to determine eligibility for placement in residential care.

D. The adoptive parent*[(s)]* or guardian*[(s)]* shall obtain the necessary documentation regarding the child's condition from appropriate professionals (psychological, psychiatric, etc.).

E. *[Efforts shall be made]* **The adoptive parent or guardian shall make diligent efforts** to place the child in close proximity to their home to allow involvement by the adoptive parent*[(s)]* or guardian*[(s)]* in the child's treatment.

F. The adoptive parent*[(s)]* or guardian*[(s)]* are responsible for making arrangements for actual placement

into the residential facility.

[G. Once a child has been approved for residential treatment, the adoptive parent(s) or guardian(s) shall be referred to the out-of home care program. A Family Centered Services (FCS) case may be opened to provide services to work towards reintegration.

H. If the adoptive parent(s) or guardian(s) is unwilling to be a part of this process and has no desire for the child to be returned to their home, residential treatment may not be authorized through subsidy, and other permanency options shall be discussed with the family. If the child enters the custody of the Children's Division, the division will pursue child support from the adoptive parent(s) or guardian(s).

2. The division will not pay for residential services at a more intensive treatment level and at a higher rate unless the director of the Children's Division agrees in writing to pay for the more intensive treatment level. To request approval to pay at a higher rate for a more intensive treatment level in the residential setting—

A. The adoptive parent(s) or guardian(s) shall submit a written request and state in detail the reasons that it is necessary for the child to be placed at a more intensive treatment level. The adoptive parent(s) or guardian(s) shall provide any and all documentation that the division may require to ascertain whether the more intensive treatment level is necessary; and

B. The documentation submitted must include current records and reports which must be no more than ninety (90) days old and include an estimated discharge date and prognosis, monthly treatment summary, why a continued need for residential treatment exists, and a description of parental involvement with the facility's treatment plan;]

11. Any adoptive parent or guardian who believes that they are aggrieved by an adverse decision regarding medical necessity or prior authorization that is made by the MO Health Division, the managed care provider contracted with the MO HealthNet Division to make that decision, or the Medicaid program of another state shall first exhaust his or her administrative and judicial remedies under that program.

(C) The provisions of this subsection shall apply to all adoption and guardianship subsidy agreements executed prior to June 25, 2024.

1. Residential care services (all levels) may be included in a subsidy agreement or added to the subsidy agreement through an amendment, but only if residential care is the least restrictive treatment setting and program appropriate to meet the child's needs. The amendment must be signed by the director of the Children's Division before payment for such services may begin. All amendments and proposed amendments covering residential care and treatment services to adoption and guardianship subsidy agreements existing prior to June 25, 2024, are governed by subsection (12)(B) above and not this subsection.

2. Residential referral process.

A. At any time, the adoptive parent or guardian may request residential services. The division may refer the case to an IIS provider. If the division determines that IIS is appropriate, the division may provide IIS rather than residential services.

B. Community resources are to be researched by the adoptive parent or guardian, with the assistance of their division caseworker, and efforts documented prior to making a residential treatment referral.

C. In the event that IIS is ineffective in remedying the situation and other community resources have not produced the necessary change in the family unit or the adoptive parent or guardian is unwilling to utilize alternative resources to prevent placement in residential care, the adoptive parent or guardian must provide information necessary to evaluate the needs of the child to determine eligibility for placement in residential care.

D. The adoptive parent or guardian shall obtain the necessary documentation regarding the child's condition from appropriate professionals (for example, psychological or psychiatric).

E. Efforts shall be made to place the child in close proximity to their home to allow involvement by the adoptive parent or guardian in the child's treatment.

F. The adoptive parent or guardian is responsible for making arrangements for actual placement into the residential facility.

G. Once a child has been approved for residential treatment, the adoptive parent or guardian shall be referred to the out-of-home care program. A Family Centered Services (FCS) case may be opened to provide services to work toward reintegration.

H. If the adoptive parent or guardian is unwilling to be a part of this process and has no desire for the child to be returned to their home, residential treatment may not be authorized through subsidy, and other permanency options shall be discussed with the family. If the child enters the custody of the Children's Division, the division will pursue child support from the adoptive parent or guardian.

3. The Children's Division will not pay for residential services at a more intensive treatment level and at a higher rate unless the director of the Children's Division agrees in writing to pay for the more intensive treatment level. To request approval to pay at a higher rate for a more intensive treatment level in the residential setting –

A. The adoptive parent or guardian shall submit a written request and state in detail the reasons that it is necessary for the child to be placed at a more intensive treatment level. The adoptive parent or guardian shall provide any and all documentation that the division may require to ascertain whether the more intensive treatment level is necessary; and

B. The documentation submitted must include current records and reports no more than ninety (90) days old and include an estimated discharge date and prognosis, monthly treatment summary, explanation of a continued need for residential treatment, and a description of parental involvement with the facility's treatment plan;

*[(C)]***(D)** Youth with Elevated Needs Level B-A child *[shall]* **may** be placed in a Youth with Elevated Needs Level B Home if this service is determined necessary for the child by the Children's Division in conformity with the procedures and eligibility criteria set forth in 13 CSR 35-60.070 and a Level B *[h]***H**ome is available and has accepted the child for placement. The Elevated Needs Level B Home is for the purpose of treating a child's behavioral issues so they may be successfully reintegrated into the adoptive or guardianship home.

1. The adoptive parent*[(s)]* or guardian*[(s)]* are to be referred to the out-of-home care program, a voluntary case is to be opened, and services are to be offered in order to work towards reintegration into the adoptive or guardianship home.

2. Youth with Elevated Needs Level B placements may be authorized for only six (6) months at a time. Upon the sixth month, the need for placement and level of care must be reviewed in a Family Support Team (FST) meeting.

3. An amendment requesting funding for Youth with Elevated Needs Level B placements shall be submitted to the

division for approval. The amendment must be signed by the director of the Children's Division before Youth with Elevated Needs Level B services may begin and payment for such services made.

4. With regard to agency liability of an adopted or guardianship child voluntarily placed in a Youth with Elevated Needs Level B placement, any legally recognized parent (biological or adoptive parent*[(s)]* or guardian*[(s)]*) is liable for the actions of his/her child as long as that adoptive parent*[(s)]* or guardian*[(s) have]* **has** not been relieved of legal custody. If the division does not have legal custody of a child, the division is not liable for the child;

*[(D)]***(E)** Respite. Adoptive parent*[(s)]* or guardian*[(s)]* may receive respite as a special service on a case-by-case basis through subsidy when a documented need exists to age eighteen (18). Respite care shall be provided according to any regulations promulgated by the division governing respite care.

1. The adoptive parent*[(s)]* or guardian*[(s)]* shall provide a letter requesting this service describing in detail the child's need for respite.

2. All paid receipts submitted for reimbursement must be submitted within one hundred eighty (180) days of the service being provided.

3. Respite shall be approved in accordance with maintenance approval; if a child receives traditional maintenance to age eighteen (18), respite may be approved to age eighteen (18) as well. If a child receives medical or Youth with Elevated Needs Level A maintenance to age eighteen (18) due to their condition being such that they are not expected to improve, respite may also be approved to age eighteen (18). However, if medical or Youth with Elevated Needs Level A maintenance is only approved for a two- (2-) year time period, respite should only be approved for two (2) years; and

*[(E)]***(F)** If the child has a disabling condition as defined by the Americans with Disabilities Act, the Children's Division within its discretion may include in an adoption or guardianship subsidy agreement a provision to pay for minor modifications of the residence of the child or vehicle used to transport the child under the following conditions:

1. *[It]***The modification** must be necessary for the child to effectively function in the home or vehicle;

2. The adoptive parent*[(s)]* or guardian*[(s)]* must be unable to acquire these services independent of the subsidy and have exhausted all available private and public community resources;

3. All expenses, modifications, and services shall be approved for payment pursuant to procurement laws and regulations including but not limited to 1 CSR 40-1.010 through 1 CSR 40-1.090; and

4. The division will pay for the least expensive, appropriate alternative to meet the needs of the child.

*AUTHORITY: section**s** [453.073, RSMo Supp. 2009, sections 210.506 and 453.074, RSMo 2000]* ***207.020.1(5), 453.073, 453.074, 536.010(6), and 660.017, RSMo 2016,*** *and Young v. Children's Division, State of Missouri Department of Social Services, 284 S.W.3d 553 (Mo. 2009). Original rule filed March 1, 2010, effective Oct. 30, 2010. Emergency amendment filed June 10, 2024, effective June 25, 2024, expires Feb. 27, 2025. Amended: Filed June 10, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527 or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13 – DEPARTMENT OF SOCIAL SERVICES
Division 40 – Family Support Division
Chapter 100 – Child Support Program, General Administration

PROPOSED AMENDMENT

13 CSR 40-100.020 Administrative Hearings. The department is amending sections (1)–(5) and adding section (6).

PURPOSE: This proposed amendment implements Senate Bill 35 (2023), which amended section 454.1005, RSMo, by adding additional factors for consideration in an administrative hearing determining whether suspension of an obligor's license is appropriate when an obligor fails to pay a child support obligation and an arrearage exists. This proposed amendment adds terminology and standardizes processes and procedures not otherwise addressed by section 454.1005, RSMo, for administrative hearings conducted by the Family Support Division's designated hearing officers. Additional proposed changes outline processes and procedures, not otherwise addressed by statute, for all administrative hearings the Family Support Division conducts to resolve disputes between the division and persons for whom the division is seeking to establish or modify an obligation for support or collect an established obligation. This proposed amendment includes changes to standardized procedures regarding starting times for hearings, admissions of hearing exhibits, conducting hearings by telephone or other electronic means, individuals following directions of the hearing officers, and requests for a continuance.

(1) Definitions.

(D) "Child support case" means an official record comprised of an obligee or payee and dependent child(ren), associated with a particular obligor, receiving services pursuant to section 454.400, RSMo.

(E) "Obligee or payee" means a person to whom payments are or will be required to be made pursuant to a support order.

*[(D)]***(F)** "Division" means the Family Support Division and its employees.

*[(E)]***(G)** "Hearing request" means a request made by a party to the action, who personally or through a representative, requests a hearing according to the procedures set forth under this rule and applicable federal or Missouri statutes and regulations.

*[(F)]***(H)** "Administrative *[H]***h**earing *[O]***o**fficer" means a person designated by the Missouri Department of Social Services to resolve child support issues in compliance with all federal and state laws and regulations. The *[A]***a**dministrative *[H]***h**earing *[O]***o**fficers have the authority to conduct child support hearings on behalf of the Family Support Division on child support matters.

(2) Administrative Hearing Procedures.

(A) All administrative hearings on child support cases will be conducted by an administrative hearing officer designated by the Director of the Department of Social Services pursuant to section 454.475.1, RSMo. Any hearing officer employed by the Department of Social Services, and appointed to the Administrative Hearings Section as a hearing officer to handle child support matters is deemed to have been designated by the Director of the Department of Social Services. The designation by the Director of the Department of Social Services shall expire when employment with the Department of Social Services, Division of Legal Services, ceases or at such time as *[their]* **the hearing officer's** duties no longer include responsibility for conducting child support hearings.

(B) *Ex[-]parte* communication with the administrative hearing officer from the parties, the division or its employees, or any attorney representing any party to the case is prohibited. *Ex[-]parte* communication includes any written or verbal communication with the administrative hearing officer, before or after the hearing, without the presence of all parties about a pending case. *Ex[-]parte* communication also includes any written communication that has not been provided to all parties prior to any decision being rendered by the hearing officer on the document. This shall not prevent the parties from *[sending in]* **submitting** hearing exhibits so long as all exhibits are provided to all parties to the case.

(C) Hearings held by the Administrative Hearings Section will be held by telephone **or other electronic means**. Any party may *[choose]* **request** to attend the *[telephone]* hearing in-person at the Administrative Hearings Section's office in Jefferson City. **Any request to attend a hearing in-person with the hearing officer shall be made at least seven (7) days before the scheduled hearing. Any request to attend a hearing in-person made to the Administrative Hearings Section less than seven (7) days before the scheduled hearing shall be granted at the discretion of the Administrative Hearings Section or the administrative hearing officer.** The Administrative Hearings Section will not provide transportation to any party to attend a *[telephone]* hearing *[in-person]* **held by telephone, other electronic means, or in-person. All parties participating in the hearing will pay the party's own costs**.

1. If a party intends to participate by telephone, the party will need to provide the Administrative Hearings Section with a valid telephone number **where the party can be reached on the day and at the time of the hearing**.

2. If a party is incarcerated at the time of the hearing, *[the]* **it shall be the party's obligation to make arrangements with the correctional institution to attend the hearing by telephone and to provide evidence or exhibits for the hearing. The incarcerated** party may either provide a telephone number where the party can be reached on the day and time of the hearing or the party may call *[in directly to]* the Administrative Hearings Section*[. The Administrative Hearings Section will send a letter to all incarcerated parties prior to the hearing providing them with a contact number for the hearing. All parties participating in the telephone hearing will pay their own costs of the call in order to participate. Incarcerated parties will need to make their own arrangements with the correctional institution to participate in the telephone hearing and to provide any exhibits or evidence for the hearing]* **on the day and at the time of the hearing at the telephone number provided for the hearing on the notification letter sent by the Administrative Hearings Section**.

(D) All exhibits to be submitted as hearing exhibits in an administrative hearing shall be submitted to the Administrative Hearings Section, the division, and all parties within five (5) days prior to the hearing. If hearing exhibits are not received five (5) days prior to the hearing, admission of exhibits as evidence any time thereafter shall be at the discretion of the hearing officer. The hearing officer shall have the discretion to leave the hearing record open for the submission of exhibits as evidence as long as copies of all exhibits are provided to the division and all parties with the opportunity for the division or any party to submit rebutting evidence.

(3) Request for Continuance.

(A) In any administrative hearing under this rule, continuances may be granted only by the Administrative Hearings Section. The Administrative Hearings Section, at *[their]* **its** discretion, may grant a continuance freely upon the first request for a continuance from any party.

(B) If a party requesting a continuance *[previously has been]* **was** granted a **prior** continuance, the Administrative Hearings Section shall grant *[a]* **an additional** continuance only upon a clear and present showing that substantive rights of a party in interest will be severely prejudiced by the denial of the request for continuance or for good cause shown as determined by the Administrative Hearings Section.

(4) Default Administrative Decision.

(A) In any proceeding under this rule, the administrative hearing officer may enter a decision in default against any party who has failed to appear*[, by telephone or in–person,]* at the *[proceeding]* **hearing**. **All parties shall appear for the hearing and be ready to proceed no later than the starting time listed on the notice. A hearing officer may find a party in default if the party or the party's attorney does not appear within ten (10) minutes after the starting time. However, the hearing officer shall retain the authority to commence the hearing at a time appropriate to the circumstances.** It shall be the parties' responsibility to provide the division and the Administrative Hearings Section with a current mailing address for notices issued by the Administrative Hearings Section including*[,]* but not limited to*[,]* hearing notices, continuance notices, and hearing decisions and/or orders, or proposed modification decisions and orders.

(B) All individuals shall comply with all directions given by a hearing officer during a hearing. If any individual fails to follow these directions, the hearing officer may exclude the individual from the hearing or may adjourn the hearing.

*[(B)]***(C)** The valid entry of a decision in default by the administrative hearing officer may be made in all cases, subject to the defaulting party's right to move that the decision in default be set aside for good cause, but only if the defaulting party gives notice of the good cause to the administrative hearing officer in writing within ten (10) calendar days after the default decision is mailed to all parties. Nothing in this subsection abrogates the rights of the parties under section 454.475, RSMo, to file a motion for correction or motion to vacate with the Administrative Hearings Section.

*[(C)]***(D)** Any notice mailed to the last-known address of any party in interest will be deemed valid delivery of that notice.

(5) Hearing Requests.

(A) If the parties are entitled to a hearing under federal or state law or regulation or the division has notified the party of the right to a hearing due to an action taken by the division in the administration of the child support program, the division will provide, upon request, a hearing as set forth in

section 454.475, RSMo. Any request for hearing must comply with any request procedure as set out in the law or *[statute]* **regulation** authorizing the hearing. For Missouri tax refund offset hearings for the obligor or nonobligated spouse, the notice to contest the tax offset is deemed received ten (10) calendar days after the date on the notice, unless refuted by competent evidence to the contrary. If the parties are entitled to a hearing, but federal or state law or regulation does not provide specific procedures or timelines for when the hearing requests must be made, then the parties to the child support case have thirty (30) calendar days from the date of the notice of the division's action to request a hearing. The hearing request, unless it is for a federal tax refund offset, must be in writing and provided to the division, unless the authorizing law or regulation requires otherwise. Hearing requests on federal tax refund offsets may be verbal or in writing. The division will review the hearing request and may contact the party requesting the hearing in an effort to resolve the issues raised by the hearing request. The parties will be notified in writing if the hearing request is granted, resolved, or denied and the reason for the denial. The division may deny a request for an administrative hearing for any one (1) of the following reasons:

1. The party's hearing request is based solely on issues that have previously been litigated and decided by a court of law;

2. The hearing request was untimely as set forth in either federal or state law or regulation; or

3. The party's request for administrative hearing is based solely on issues which cannot be decided in an administrative hearing including, but not limited to, visitation, legal custody, and nonpaternity.

(C) If the Administrative Hearings Section receives multiple hearing requests from the same parties **on the same child support case**, the Administrative Hearings Section may combine the hearing requests into one (1) hearing **if the hearing requests are for similar administrative actions**.

(6) Administrative Hearings Procedures for License Suspension.

(A) The Administrative Hearings Section shall use procedures contained in this section to conduct hearings to determine whether suspension of a license is appropriate when the director has issued a notice of intent to suspend a license pursuant to section 454.1003, RSMo, on a child support case when an obligor is not making child support payments in accordance with a support order. The obligor may request an administrative hearing on the notice of intent to suspend a license the division issued on the obligor's child support case. The suspension of the license shall be stayed until the Administrative Hearings Section issues a decision containing written findings of facts and conclusions of law on the factors enumerated within section 454.1005, RSMo, determining whether the license suspension is appropriate.

(B) The hearing officer shall have thirty (30) days to issue written findings of facts and conclusions of law after the hearing has ended and the hearing record has closed.

(C) In determining whether license suspension is appropriate, the hearing officer shall consider relevant factors presented by the obligor. The obligor shall bear the burden of proof to show cause why suspension of a license is not appropriate under the totality of the obligor's circumstances. In providing evidence regarding license suspension, the obligor will submit such documentation or supporting evidence as requested by the hearing officer if the documentation or supporting evidence has not been submitted by the obligor prior to the hearing.

1. When considering the relevant factors regarding payments, "payments" mean any amount or amounts ordered to be paid pursuant to a "support order" as defined by section 454.1000(13), RSMo.

2. When considering the relevant factors regarding payments, "arrearage" means arrearage as defined by section 454.1000(1), RSMo.

3. When considering the relevant factor of payments that are in arrearage, the hearing officer at the hearing officer's discretion and the circumstances of the child support case may limit the hearing officer's consideration to a time frame less than the entire lifetime of the child support obligation.

4. When considering the relevant factor of transportation, "extracurricular activities" means an activity related to a school, job, or profession, but outside of the regular curriculum of the school or outside of the usual duties of the job or profession.

(D) If the hearing officer finds that the obligor failed with good cause to comply with the child support payment obligation and an arrearage exists in excess of two thousand five hundred dollars ($2,500) or the obligor owes an arrearage greater than or equal to three (3) months support payments, the hearing officer shall not issue an order suspending the obligor's license on the child support case.

(E) After the issuance of a decision not to suspend a license, the director may issue a new notice of intent to suspend a license pursuant to section 454.1003, RSMo, if the obligor fails to make payments on the child support case and accumulates an additional arrearage in an amount greater than or equal to three (3) months support payments or two thousand five hundred dollars ($2,500), whichever is less, as of the date of service of the new notice of intent to suspend the license.

(F) Pursuant to section 454.1005.6, RSMo, the director shall issue an order suspending the obligor's license on the child support case when the hearing officer finds that the obligor has failed without good cause to comply with any of the requirements in section 454.1005.4, RSMo. In section 454.1005.6, RSMo, "to comply with any of the requirements in subsection 4 of this section" means that the obligor failed to comply with the child support payment obligation and an arrearage exists in excess of two thousand five hundred dollars ($2,500) or the obligor owes an arrearage greater than or equal to three (3) months support payments. In section 454.1005.6, RSMo, "without good cause" means that the obligor did not present sufficient evidence on any of the relevant factors enumerated in section 454.1005.4, RSMo, or the relevant good cause considerations in section 454.1005.5, RSMo, for the hearing officer to find that the suspension of the license is inappropriate.

AUTHORITY: sections 454.400 and 660.017, RSMo 2016. This rule originally filed as 13 CSR 30-7.010. Original rule filed May 2, 1989, effective Aug. 25, 1989. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed June 12, 2024.*

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions between eight hundred two thousand two hundred twelve dollars ($802,212) and $2,117,546 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to rules.comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Title 13 – Department of Social Services
Division Title: Division 40 – Family Support Division
Chapter Title: Chapter 100 – Child Support Program, General Administration

Rule Number and Name:	13 CSR 40-100.020, Administrative Hearings
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Family Support Division	7 to 20 Benefit Program Technicians *$469,098 –$1,340,280*
Administrative Hearings Section, Division of Legal Services	3 to 7 Administrative Hearing Officers *$333,114 – $777,266*
Total Department of Social Services	$802,212 – $2,117,546

III. WORKSHEET

State Fiscal Year 2020 License Suspension Hearing Data		Estimated Increase
License Suspension (Pre-Suspension) Hearing Requests Received	139	25% to 75% increase = 1,334 – 4,001
Total Number of Family Support Division Child Support Enforcement Hearings	2,569	
Number of Hearings Requests a full time Benefit Program Technician can work	198	
Full Time Benefit Program Technicians required by Family Support Division	13	7–20
Number of Establishment, Modification, & Enforcement Hearings assigned per full time Hearing Officer (Includes hearings, defaults, and hearing withdrawals)	588	
Number of full time Hearing Officers required by Division of Legal Services for enforcement hearings (Administrative Hearings Section for Child Support currently has 11 hearing officer positions for all hearings)	5	3–7

IV. ASSUMPTIONS

This proposed amendment is necessary to implement Senate Bill 35 (2023) which amended Section 454.1005, RSMo, by adding additional factors for consideration in an administrative hearing determining whether suspension of an obligor's license is

appropriate when an obligor fails to pay a child support obligation and an arrearage exists. This proposed amendment adds terminology and standardizes processes and procedures not otherwise addressed by Section 454.1005, RSMo, for administrative hearings conducted by the Family Support Division by designated hearing officers. Additional proposed changes outline processes and procedures, not otherwise addressed by statute, for all administrative hearings the Family Support Division conducts before its designated hearing officers to resolve disputes between the division and persons from whom the division is seeking to establish or modify an obligation for support or collect an established obligation. This proposed amendment includes changes for standardized procedures on starting times for hearings, admissions of hearing exhibits, conducting hearings by telephone or other electronic means, individuals following directions of the hearing officers, and requests for a continuance.

The Family Support Division, Child Support (FSD-CS) program stopped all license suspension activities in April 2020 due to the COVID–19 pandemic and has not subsequently resumed issuing Notice of Intent to Suspend Licenses. Therefore, the State Fiscal Year 2020 (SFY20) license suspension actions taken by FSD-CS are used in determining the impact of this proposed regulation.

When the FSD-CS program resumes license suspension activities, FSD-CS assumes more obligors will request a hearing as a result of the enumerated factors in Section 454.1005 RSMo. The Division of Legal Services assumes that the duration of hearings and decision writing time will increase due to the number of factors to be considered by the hearing officer in determining whether license suspension is appropriate.

- The FSD-CS served 5,473 Notice of Intent to Suspend Licenses on Obligors in SFY20.
- With the additional factors to be considered in 454.1005, RSMo, on whether license suspension is appropriate when an obligor fails to pay a child support obligation and an arrearage exists, the FSD-CS estimates a 25% to 75 % increase in hearing requests on served Notices of Intent to Suspend Licenses.
- Sixty-five full time Benefit Program Technicians spent approximately 20% of their time working 2,569 enforcement cases in SFY20 which equates to 13 full time Benefit Program Technician needed to handle enforcement hearings.
- Hearing officers were assigned approximately 588 hearings in SFY20 for establishment of paternity and support orders, modification of support, and enforcement of support, this includes hearings held, default hearings, and cases where the hearing requests were withdrawn or dismissed.
- The cost of a full time Benefit Program Technician for State Fiscal Year 2024 is $67,014. The estimated cost of compliance in the aggregated for 7 to 20 Benefit Program Technicians is $469,098 – $1,340,280.
- The cost of a full time Hearings Officer for State Fiscal Year 2024 is $111,038. The estimated cost of compliance in the aggregated for 3 to 7 Hearing Officers is $333,114 – $777,266.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 1 – Organization

PROPOSED AMENDMENT

13 CSR 70-1.010 Organization and Description. The division is amending section (2).

PURPOSE: This proposed amendment updates the MO HealthNet Division's organization to include additional units within the division and to update the description of units.

(2) Organization and Operations. The MHD is located in Jefferson City at 615 Howerton Court. MHD can be contacted by writing to the division at PO Box 6500, Jefferson City, MO 65102-6500. MHD is divided into five (5) major organizational components – administration and four (4) sections – finance***[,]*****;** information services***[,]*****;** operations***[,]*****;** and clinical review, development, and performance.

(A) Administration. The director's office provides the overall guidance and direction for the division and is responsible for establishing the agency's goals, objectives, policies, and procedures. The director's office is also responsible for providing legislative guidance on Medicaid and health care related issues, overseeing the distribution of federal and state resources, planning, analyzing and evaluating the provision of Medicaid services for eligible Missourians, and final review of the budget. In Missouri, "MO HealthNet" can be described as "Medicaid," "Title XIX," or "medical assistance."

1. Transformation. The Transformation program is a combination of initiatives with the goal of transforming Missouri's Medicaid program. The initiatives are wide-ranging, and include operational improvements as well as larger more transformational changes.

(B) Finance. The Finance section is divided into the following units:

1. Budget, Financial Services, ***[and]*** Rate Development**, and Premium Collections**.

A. Budget. This unit is responsible for developing and tracking the division's annual budget request and subsequent appropriations. The unit is responsible for preparation of quarterly estimates and expenditure reports required by the Centers for Medicare ***[and]*****&** Medicaid Services (CMS). During the legislative session, the unit is also responsible for reviewing all bills affecting the division, preparing fiscal notes, and attending hearings as assigned.

B. Financial Services. This unit is responsible for managing the financial procedures and reporting of the Medicaid claims processing system, creating expenditure reports for management and budget purposes, coordinating the production and mailing of provider remittance advices, checks and automatic deposits, and reviewing and approving provider 1099 information. The unit is also responsible for processing adjustments to Medicaid claims, receiving and depositing payments, and managing provider account receivables.

C. Rate Development. This unit is responsible for developing the capitation rates for the Medicaid Managed Care Program, the Nonemergency Medical Transportation Program, and the Program of All Inclusive Care for the Elderly (PACE). The group works closely with the contracted actuary in evaluating Medicaid fee-for-service expenditures to determine the financial impact of implementing policy alternatives and evaluating the cost effectiveness of Managed Care and PACE;

D. Premium Collections. This group is responsible for managing the lock box, automatic withdrawals, and cash deposits for the State Children's Health Insurance Program premium cases and spenddown pay-in cases. The group manages the financial procedures and reporting for these programs in the state's computer system and in the electronic Medicaid Management Information System (eMMIS) to ensure the collection accurately establishes the Medicaid eligibility record and to ensure that client notices are accurate and timely;

2. Institutional Reimbursement. This unit is divided into the following groups:

A. Federally Qualified Health Center (FQHC) and Independent Rural Health Clinic (IRHC) Reimbursements. This group is responsible for the audit of the FQHC and IRHC cost reports including the calculation of final settlements relating to those cost reports and the review and processing of Managed Care Supplemental Interim Payments for FQHCs and IRHCs. The group is also responsible for the administration of state regulations, state plan amendments, and responses to inquiries regarding reimbursement issues relative to these programs; and

B. Nursing Home Policy and Reimbursement. This group is responsible for determining and carrying out the policy and reimbursement functions of the MO HealthNet nursing facility program and the Nursing Facility Reimbursement Allowance (NFRA) provider tax program. The nursing facility duties include overseeing audits of nursing facility cost reports, determining reimbursement rates, analyzing nursing facility data, determining and establishing reimbursement methodologies, and overseeing the preparation of the nursing facility Upper Payment Limit (UPL) demonstration. The NFRA duties include determining and collecting the NFRA, preparing various NFRA reports, and reconciling the NFRA fund balance. The group is also responsible for the review and analysis of proposed bills and preparation of fiscal notes, the administration of state regulations and state plan amendments, representing the division in litigation, and responding to inquiries regarding nursing facility reimbursement and NFRA issues. The group oversees and monitors contractors to ensure nursing facility cost report audits and the nursing facility UPL demonstration are completed in a timely manner and in accordance with state and federal rules. The group works closely with the contractors in developing audit plans, evaluating nursing facility reimbursement issues, collecting and preparing data for the UPL demonstration, and implementing any changes to these processes;

3. Hospital Reimbursement Unit. This unit is divided into the following groups:

A. Hospital Policy and Reimbursement. This group is responsible for determining and carrying out the policy and reimbursement function of the MO HealthNet program for hospitals. This includes the day-to-day activities of hospital reimbursement such as ***[auditing hospital cost reports,]*** **overseeing the hospital cost report audits, overseeing the Disproportionate Share Hospital (DSH) audits,** calculating hospital per diem rates, **updating the hospital per diem rates in the electronic Medicaid Management Information System (MMIS),** calculating hospital payments (i.e., ***[Direct Medicaid, Disproportionate Share Hospital (DSH),]*** **supplemental payments, DSH payments, and** Graduate Medical Education (GME) payments), calculating Federal Reimbursement Allowance (FRA) **hospital** provider tax, ***[calculating final settlements or Outpatient Settlements,]*** **processing the hospital payments and tax each financial cycle,** providing litigation support, conducting FRA program

tracking, and handling hospital rate adjustment requests. The group is also responsible for the administration of state regulations, state plan amendments, and responses to inquiries regarding hospital reimbursement issues;

B. Children's Outliers and Provider Based Rural Health Clinic (PBRHC) Reimbursements and Settlements. This group is responsible for calculating children's outlier payments for hospitals, **calculating the PBRHC reimbursement rate,** updating the PBRHC reimbursement payment rate in *[electronic Medicaid Management Information System ()]* eMMIS *[)]*, **and** calculating **and processing** the final settlements for PBRHCs *[, calculating the MC+ interim payment adjustments for PBRHCs]*. The group is also responsible for the administration of state regulations, state plan amendments, and responses to inquiries regarding reimbursement and settlement issues; and

[C. Premium Collections. This group is responsible for managing the lock box, automatic withdrawals, and cash deposits for the State Children's Health Insurance Program premium cases and Spenddown pay-in cases. The group manages the financial procedures and reporting for these programs in the state's computer system and in the eMMIS to ensure the collection accurately establishes the Medicaid eligibility record and to ensure that client notices are accurate and timely;]

4. The Cost Containment and Audit Compliance unit is divided into the following groups: Medicare **Savings Program**, Recoveries, and Pharmacy Rebate.

A. Medicare **Savings Program**: This group is responsible for ensuring that Medicare funds are utilized whenever possible in providing medical services to Medicaid clients. This is accomplished by the identification of those recipients who are, or who might be, Medicare eligible, the recovery of funds paid as Medicaid services for these clients, and the administration of Medicare Part **A and** B premiums.

B. Recoveries: This group ensures that all potential, legally liable payers of medical services pay up to their liability to offset Medicaid expenditures. This is accomplished through cost avoidance and post-payment recovery (pay-and-chase or cash recovery).

(I) Cost avoidance occurs when the group receives information that a third-party payer is responsible for payment prior to Medicaid payment. The Third Party Liability (TPL) unit verifies commercial health insurance after receiving the information from multiple sources. The insurance data is entered into participant eligibility files, which are connected to the Medicaid claims payment processing system, and serve as a source of editing to determine claim payment or denial. Cost avoidance also occurs through the Health Insurance Premium Payment (HIPP) program. If a participant has access to employer-sponsored health insurance, Medicaid will purchase the commercial health insurance if it is determined to be cost effective.

(II) Post-payment recovery occurs when the unit determines that a third-party payer is potentially responsible for payment when a participant receives medical services. Data matches and the Medicaid claims processing system determine potential recovery sources. TPL personnel are responsible for the following recovery activities: burial plans, personal funds, estates, and trauma (includes personal injury, product liability, malpractice, traffic accidents, worker's compensation, and wrongful death). A contractor is primarily responsible for recovery of commercial health insurance payments.

(III) These activities ensure that Medicaid funds are used only after all other potential resources available to pay have been exhausted.

C. Pharmacy Rebate: This group is responsible for the collection of rebates from pharmaceutical manufacturers contracted with CMS to participate in the Medicaid Drug Rebate Program, and for collection of supplemental rebates from manufacturers participating in the state's Supplemental Rebate Program. The group invoices manufacturers quarterly for products dispensed during the period. As payments are received, disputes are identified and the unit researches any product disputed by the manufacturer. Disputes are resolved with the manufacturer to collect the greatest rebate possible. This unit is also responsible for collecting rebates for the Missouri Rx Program.

(D) Operations. The Operations section is divided into the following units: Home and Community-Based, School-Based, and Waiver Services*[,]***;** Medical Programs and Policy*[,]***;** and Managed Care, Constituent Services, and *[Strategic Initiatives]* **the Program of All-Inclusive Care for the Elderly (PACE)**.

1. Home and Community-Based, School-Based, and Waiver Services: This unit has the following three **(3)** groups:

A. Home and Community-Based In-Home Services Group. This group works closely with the Department of Health and Senior Services (DHSS) and CMS regarding several Home and Community-Based Services (HCBS) 1915(c) waivers and State Plan programs to ensure state and federal requirements are met. This group develops, amends, and renews HCBS waiver applications, and performs quality oversight activities, analysis**,** and reporting for those programs. This group is also responsible for administration of state regulations and state plan amendments, along with research, program development, policy implementation, and program communications;

B. Home and Community-Based and School-Based Services Group. This group works closely with the Department of Mental Health (DMH) and CMS regarding several HCBS 1915(c) waivers and State Plan programs to ensure state and federal requirements are met. The group develops, amends, and renews HCBS waiver applications, and performs quality oversight activities, analysis, and reporting for those programs. This group is responsible for coordination of state plan amendments, policy implementation, and regulations drafted to reflect program changes. In addition, this group administers the School-Based Service programs including invoice processing, program compliance activities, federal reporting, and contract oversight;

C. *[Money Follows the Person (MFP)]* **Show Me Home** Group: The *[MFP]* **Show Me Home** program was designed to reduce reliance on Skilled Nursing Facilities (SNF) and Intermediate Care Facilities (ICF/MR) for individuals who are aged or those who have a disability, while providing resources for individuals wishing to transition to a quality community-based long-term care setting. The *[MFP]* **Show Me Home** group works closely with DHSS, DMH, and CMS to ensure that federal *[MFP]* **Show Me Home** program requirements are met. This group is responsible for oversight and coordination of *[MFP]* **Show Me Home** program implementation across the three (3) state agencies, formulating a program budget each calendar year, evaluating the program on a semi-annual basis, marketing, and continually looking for best practices for improvement.

2. Medical Programs and Policy: This unit divides the responsibilities for MHD's medical programs and their policies among three (3) areas dedicated to each's assigned programs. The first group focuses primarily on hospital providers*[,]***;** the second group focuses primarily on physicians, clinics, and hospice providers*[,]***;** and the third group focuses primarily on nursing facilities, durable medical equipment, and non-emergency medical transportation. Programs and policies

regarding all other enrolled medical providers are also managed by one (1) of the three (3) groups.

A. The unit is responsible for research, analysis, development, implementation, and monitoring various benefit programs within the division, including the prior authorization process for approval of medically necessary items. Personnel in this unit also interact with advisory committees to obtain guidance regarding complicated health care issues, coordinate and assist in the development of training packages, write and revise program manuals and bulletins pertaining to program policy, procedure, and operations, and monitor and evaluate program effectiveness by tracking utilization patterns.

B. The unit is responsible for researching state and federal regulations, CMS directives and rulings, and reviewing Medicaid programs implemented by other states. The group analyzes data and legislation, coordinates special projects, and works with other state agencies and groups within the division to implement new Medicaid programs including the development of new manuals and procedures. The group also aids in the implementation of major changes to existing MHD programs. This unit is also responsible for policy implementation, program communication, oversight of contracts with outside vendors, certain clinical program enhancement activities, and implementation of those program enhancements. Documents such as state plan amendments and state regulations are drafted to reflect program changes.

C. This unit also researches and gathers information for program development and provides procedural support for systems changes and claims processing issues such as medical procedures and equipment prior authorization, and durable medical equipment special pricing. The unit serves as the liaison with MMIS and other units within the division to facilitate program enhancement activities.

3. Managed Care, Constituent Services, and *[Strategic Initiatives Unit]* **PACE**.

A. Managed Care. Managed Care is responsible for administration of the Managed Care Program which operates under a 1915(b) Freedom of Choice Waiver. This program provides Medicaid Managed Care services to participants in four (4) broad groups: Medical Assistance for Families, Medicaid for Children, Medicaid for Pregnant Women, and children in state custody. This group is also responsible for developing new policies and procedures for the Managed Care Program. This unit is divided into the following groups: Managed Care Policy*[.]***;** Contract Development, and Compliance*[.]***;** and Quality Assessment.

(I) Managed Care Policy, Contract Development, and Compliance. This group is responsible for monitoring contracts. Personnel monitor the Managed Care and the Beneficiary Support System contracts to ensure providers are adhering to the terms and conditions of their agreements. The group ensures that the Managed Care Organizations (MCOs) adhere to service access guidelines, verify provider networks, and handle complaints against MCOs. The group also works with the Department of **Commerce and** Insurance to assure MCOs are in compliance with state insurance rules and regulations. Premium *[C]***c**ollections is also a responsibility of this group. The group is responsible for answering phones and correspondence regarding the State Children's Health Insurance Program (CHIP) **and Ticket-to-Work Health Assurance (TTWHA) program** premium cases *[and]* **as well as** spend-down pay-in cases, answering questions regarding program rules**,** and receipt of payments.

(II) Quality Assessment. This group performs research and data analysis to address monitoring and oversight requirements established by the CMS. The group utilizes a collaborative process to develop and implement strategies to improve the health status of Medicaid participants. This process entails coordination with advisory groups, other state agencies, managed care organizations, **external quality review organizations,** providers, and the public. The group is also responsible for researching, assessing, evaluating, and reporting information regarding the quality of care provided to Managed Care members.

B. *[Constituent Services and Education. The unit is divided into the following groups: Provider and Member Educations, Provider Communication, and Participant Services.]* **Education and Training. This group is responsible for training and educating providers, participants, division personnel, and outside entities regarding the division's policies and procedures. The group also assists providers with the submission of Medicaid claims through provider training sessions. Additionally, this group assists with outreach to members and oversees a member forum for input.**

[(I) Provider and Member Education. This group is responsible for training and educating providers regarding the division's policies and procedures. The group also assists providers with the submission of Medicaid claims through provider workshops and individual provider training sessions. Additionally, this group assists with outreach to members and oversees a member forum for input.]

*[(II)]***(I)** Provider Communication. This group is responsible for responding to provider inquiries and concerns. Much of this communication is handled via a provider hotline. Written responses to provider inquiries are also handled by this group. The group explains difficult and complex Medicaid rules, regulations, policies, and procedures to providers.

*[(III) Participant]***C. Constituent** Services. This group aids the fiscal agent's Participant Services Unit by acting as liaison with other groups within the division and handling more complex inquiries from participants. The division maintains a toll-free hotline for participants and is responsible for the Medicaid Participant Reimbursement program and handles all prior authorizations of out-of-state services. This group also handles requests for appeals from MHD participants who have had adverse actions regarding service denials or closures.

D. PACE. This group is responsible for the implementation and oversight of the PACE program. The group is responsible for coordinating PACE, developing state regulations, facilitating audits and focused reviews, and reviewing participant eligibility and enrollment. The group maintains regular communications with PACE organizations and works with the Missouri Medicaid Audit and Compliance Unit (MMAC) on program integrity.

AUTHORITY: sections 208.201 and 660.017, RSMo 2016. This rule was previously filed as 13 CSR 40-81.005. Emergency rule filed Sept. 15, 1987, effective Sept. 28, 1987, expired Jan. 25, 1988. Original rule filed Oct. 1, 1987, effective Jan. 29, 1988. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed June 17, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment

*with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2063 – Behavior Analyst Advisory Board
Chapter 1 – General Rules

PROPOSED AMENDMENT

20 CSR 2063-1.015 Fees. The board is amending section (1).

PURPOSE: This amendment increases fees and removes unnecessary language.

(1) The following fees are established for the Behavior Analyst Advisory Board and are payable to the State Committee of Psychologists:

(A) Application *[Fee]* for Behavior Analyst **(BA)**	$150
(B) Application *[Fee]* for Assistant Behavior Analyst **(ABA)**	$150
(C) Biennial Renewal *[Fee]*	*[$150]* **$300**
(D) *[Delinquency Fee]* **Late Renewal (effective January 1 after each BA renewal period and February 1 after each ABA renewal period** in addition to the Renewal Fee)	*[$ 50]* **$150**
(E) Replacement License *[Fee]*	$ 10
(F) Inactive Renewal *[Fee]*	*[$ 50]* **$100**
(G) Inactive Reactivation *[Fee]* (section 337.320.8, RSMo)	*[$100]* **$200**
(H) Insufficient Check *[Fee]*	$ 25
(I) Verification of License *[Fee]*	$ 25

*AUTHORITY: sections 337.310 and 337.340, RSMo 2016, and sections 337.315 and 337.320, RSMo Supp. **[2020] 2023**. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expired June 7, 2011. Original rule filed Nov. 30, 2010, effective May 30, 2011. Amended: Filed May 22, 2013, effective Nov. 30, 2013. Amended: Filed Sept. 16, 2020, effective March 30, 2021. Amended: Filed June 12, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities one hundred sixty-eight thousand four hundred fifty dollars ($168,450) biennially for the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Behavior Analyst Advisory Board, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-0661, or via email at scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance
Division 2063—Behavior Analyst Advisory Board
Chapter 1 - General Rules
Proposed Amendment to 20 CSR 2063-1.015 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated costs for the life of the rule by affected entities:
1,052	Renewal Fee (Fee Increase @ $150)	$157,800
104	Late Renewal Fee (Fee Increase @ $100)	$10,400
3	Inactive Fee (Fee Increase @ $50)	$150
1	Reactivation Fee (Fee Increase @ $100)	$100
	Estimated Cost Beginning in FY25 and Biennially Thereafter	**$168,450**

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five (5) year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five (5) year analysis, the board voted to increase fees.
2. Actual revenue increases may vary based on renewal, inactive, and reactivation applications
3. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 337.300 to 337.347, RSMo. Pursuant to section 337.340, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 337.310, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the division for administering the provisions of sections 337.300 to 337.347, RSMo.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2145 – Missouri Board of Geologist Registration
Chapter 1 – General Rules

PROPOSED AMENDMENT

20 CSR 2145-1.040 Fees. The board is amending section (1).

PURPOSE: This amendment increases renewal, inactive, and reactivation fees and removes unnecessary language.

(1) The following fees are established by the Board of Geologist Registration and are payable in the form of a cashier's check, personal check, or money order:

(A) Application *[Fee]*	$125*[.00]*
(B) Examination and Reexamination *[Fees]* –	
1. Fundamentals of Geology (amount determined by the Association of State Boards of Geology)	
2. Principles and Practices of Geology (amount determined by the Association of State Boards of Geology)	
(C) Examination Administration *[Fee]*	$ 25*[.00]*
(D) Geologist-Registrant In-Training Application *[Fee]*	$ 25*[.00]*
(E) Geologist-Registrant In-Training Renewal *[Fee]*	$ 10*[.00]*
(F) License Renewal *[Fee]*	*[$125.00]* **$160**
(G) Inactive License *[Fee]*	*[$ 50.00]* **$ 80**
(H) Reactivation *[Fee]*	*[$ 75.00]* **$ 80**
(I) Late Renewal *[Fee]* (in addition to applicable license renewal fee)	$ 50*[.00]*
(J) Endorsement to Another Jurisdiction	$ 10*[.00]*
(K) Replacement Wall Hanging	$ 15*[.00]*
(L) Educational Review	$ 35*[.00]*
(M) *[Uncollectible Fee]* **Bad Check** (charged for any *[uncollectible check]* **bad check** or other uncollectible financial instrument *[submitted to the Missouri State Board of Geologist Registration]*)	$ 25*[.00]*
[(N) Exam Cancellation/Book Assessment Fee (amount determined by the Association of State Boards of Geology)]	

*AUTHORITY: section 256.462, RSMo Supp. [2021] **2023**, and section 256.465.2., RSMo 2016. This rule originally filed as 4 CSR 145-1.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed: June 12, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately twenty-eight thousand one hundred ninety dollars ($28,190) biennially for the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-0661, or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance
Division 2145—Missouri Board of Geologist Registration
Chapter 1 - General Rules
Proposed Amendment to 20 CSR 2145-1.040 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated costs for the life of the rule by affected entities:
775	Renewal Fee (Fee Increase @ $35)	$27,125
35	Inactive Fee (Fee Increase @ $30)	$1,050
3	Reactivation Fee (Fee Increase @ $5)	$15
	Estimated Cost Beginning in FY25 and Biennially Thereafter	**$28,190**

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five (5) year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five (5) year analysis, the board voted to increase fees.
2. Actual revenue increases may vary based on renewal, inactive, and reactivation applications
3. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 256.450 to 256.483, RSMo. Pursuant to section 256.465, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 256.465, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the division for administering the provisions of sections 256.450 to 256.483, RSMo.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220 – State Board of Pharmacy
Chapter 2 – General Rules

PROPOSED AMENDMENT

20 CSR 2220-2.013 Prescription Delivery Requirements. The board is amending the purpose and sections (1)–(3), adding a new section (5), and renumbering as necessary.

PURPOSE: *This rule is being amended to incorporate medication orders and add patient safety provisions for prescriptions/ medication orders shipped via mail or commercial carrier.*

*PURPOSE: This rule establishes requirements for authorized prescription/**medication order** delivery sites.*

(1) Every pharmacy delivering *[prescription drugs]*, **mailing, or shipping a filled prescription or medication order** shall develop and implement written policies and procedures to ensure the safe and appropriate delivery**, mailing, and shipment** of *[prescription drugs]* **prescriptions/medication orders** within the temperature requirements recommended by the manufacturer or the *United States Pharmacopeia* (USP). Except as otherwise provided herein, prescriptions/ **medication orders** filled by a Missouri licensed pharmacy may not be left at, accepted by, or delivered to a location, place of business or entity not licensed as a pharmacy.

(2) At the request of the patient or the patient's authorized designee, licensees may deliver a filled prescription/ **medication order** for an individual patient directly to the patient or the patient's authorized designee or to –

(3) At the request of a customer, legally filled prescriptions/ **medication orders** for veterinary use may be delivered**, mailed, or shipped** to a residence, business, or clinic designated by the customer.

(5) All pharmacies delivering prescriptions/medication orders by mail or common commercial carrier must comply with the following:

(A) A reasonable attempt must be made to notify the patient verbally, electronically, or by other written means that a prescription/medication order will be shipped or mailed to the patient or the patient's authorized delivery location prior to shipment/mailing. Proof of patient notification, or documentation of the date and method of notification, must be maintained in the pharmacy's records and readily retrievable if requested by the board or the board's authorized designee. Notification is not required for radiopharmaceuticals mailed/shipped to a medical facility for administration to the patient by an authorized healthcare provider or medication mailed/ shipped to a long-term care facility for subsequent delivery or administration to resident patients by authorized long-term care staff or personnel;

(B) Patients must be provided the following instructions/ written notifications with each prescription/medication order mailing or shipment in a manner that is clear, conspicuous, and easily visible by the patient or the patient's authorized designee:

1. Notification that the pharmacy is licensed and regulated by the Missouri Board of Pharmacy along with the board's current address, telephone number, and primary email address;

2. Instructions on how to detect if the integrity of a prescription or medication order has been compromised due to improper storage or temperature variations; and

3. Instructions and a mechanism for notifying the pharmacy verbally or electronically of any suspected or confirmed irregularity in the delivery of their medication, including but not limited to –

A. Timeliness of delivery;

B. Integrity of the prescription/medication order on delivery; and

C. Failure to receive the proper prescription/ medication order;

(C) In addition to the requirements of section (1), pharmacies must maintain current written policies and procedures that include policies/procedures for –

1. Mailing and shipping prescriptions/medication orders, including but not limited to notifying patients of shipments/deliveries as required in this rule and using/selecting proper packaging containers and materials to maintain physical integrity and stability of package contents per manufacturer product labeling or manufacturer specifications;

2. Handling reports or complaints that the integrity of a prescription/medication order was or may have been compromised or adulterated during mailing or shipment; and

3. Actions to be taken in the event of a suspected or confirmed temperature excursion, including but not limited to policies/procedures for notifying appropriate pharmacy staff. For purposes of the rule, a "temperature excursion" means any deviation from the manufacturer's temperature specifications or allowed excursion range or, in the absence of manufacturer specifications, applicable USP temperature standards;

(D) For purposes of this rule, a common commercial carrier means any person or entity who undertakes directly or indirectly to transport property for compensation for or on behalf of the pharmacy, including prescription drugs or devices. A common commercial carrier does not include pharmacy staff or employees delivering prescriptions/medication orders as part of their pharmacy job responsibilities.

*[(5)]***(6)** Returns of medication delivered pursuant to this section shall be governed by, and handled in accordance with, Chapter 338, RSMo, and the rules of the board.

*AUTHORITY: section**s 338.095, 338.100, 338.240,** 338.280, RSMo **2016** [2000, and sections 338.095, 338.100], **and section** 338.140, [and 338.240,] RSMo Supp. [2011] **2023**. Original rule filed May 14, 2012, effective Nov. 30, 2012. Amended: Filed June 11, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately nine thousand fifty-one dollars and eighty cents ($9,051.80) during the first year of implementation, as reflected in the attached private fiscal note.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri

Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Commerce and Insurance
Division Title: State Board of Pharmacy
Chapter Title: General Rules

Rule Number and Title:	20 CSR 2220-2.013 (Prescription Delivery Requirements)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
284	Missouri Licensed Pharmacies	$ 9,051.80 *during Y1 implementation*

III. ASSUMPTIONS/WORKSHEETS

The following general estimations were used to calculate private fiscal costs:

1. The Board estimates the proposed written patient notifications required by the amendment can be included with the written patient counseling notification currently required by 20 CSR 2220-2.190 or with the patient medical information/medical guides otherwise required by product manufacturers or federal law. Accordingly, no additional private fiscal costs have been estimated for the proposed written notifications.
2. The proposed amendment would require that pharmacies engaged in mailing/shipping medication via a commercial carrier address additional items in the policies procedures currently required in the rule. The Board does not track or separately identify pharmacies engaged in shipping/mailing prescriptions. Based on discussions with stakeholders, the Board estimates approximately 20% of the 2,842 pharmacies licensed by the Board at the close of FY23 will need to update their policies/procedures to be compliant with the rule (@284 pharmacies).
3. The Board estimates an average of thirty (30) minutes of additional pharmacist time would be needed for currently licensed pharmacies to update their current policies and procedures to comply with the amended rule. A 30-minute pharmacist salary of $ 31.87 is estimated based on 2023 data from the United States Bureau of Labor Statistics Occupational Employment and Wages.
4. Accordingly, the Board estimates private fiscal impact of $ 9,051.80 during Y1 implementation, ($31.87 pharmacist 30-minute salary x 284 currently licensed pharmacies). Multiple large pharmacy stakeholders indicated their policies/procedures currently address the amendment's requirements which could potentially lower estimated

costs. No additional costs are estimated for pharmacies licensed after promulgation of the amendment given costs for policy/procedure development for newly licensed pharmacies were estimated in the initial promulgation of 20 CSR 2220-2.010.

5. Total estimated costs may vary with inflation and increase at the rate projected by the Legislative Oversight Committee.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2232 – Missouri State Committee of Interpreters
Chapter 1 – General Rules

PROPOSED AMENDMENT

20 CSR 2232-1.040 Fees. The committee is amending section (1).

PURPOSE: This amendment increases fees and removes unnecessary language.

(1) The following fees are established and are payable in the form of a cashier's check, personal check, or money order:

(A) Application for Licensure *[Fee]*	$ 75
(B) Annual License Renewal *[Fee*	*$ 60]* **$ 80**
[1. Effective December 1, 2018 through November 30, 2019	*$ 40]*
(C) Late Renewal Penalty *[Fee]*	$ 60
(D) Inactive *[Fee*	*$ 30]* **$ 40**
(E) Reactivation *[Fee*	*$ 30]* **$ 40**
[1. Effective December 1, 2018 through November 30, 2019	*$ 10]*
(F) Temporary License *[Fee]*	$ 25
(G) Fingerprinting *[fee]* Amount to be determined by the Missouri State Highway Patrol	
(H) Insufficient Funds Check *[Fee]*	$ 25
(I) Mentorship Application *[Fee]*	$ 10
(J) Verification of License *[Fee]*	$ 10

*AUTHORITY: section[s] 209.328.2(2) [and 324.039], RSMo 2016, and section 43.543, RSMo Supp. [2018] **2023**. This rule originally filed as 4 CSR 232-1.040. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the **Code of State Regulations**. Emergency filed: June 13, 2024, effective Sept. 1, 2024, expires Jan. 31, 2025. Amended: Filed June 13, 2024.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated seventeen thousand fifty dollars ($17,050) annually for the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax to (573) 526-0661, or via email at interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance
Division 2232—Missouri State Committee of Interpreters
Chapter 1 - General Rules
Proposed Amendment to 20 CSR 2232-1.040 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated costs for the life of the rule by affected entities:
850	Renewal Fee (Fee Increase @ $20)	$17,000
4	Inactive Fee (Fee Increase @ $10)	$40
1	Reactivation Fee (Fee Increase @ $10)	$10
	Estimated Cost Beginning in FY25 and Annually Thereafter	**$17,050**

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five (5) year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five (5) year analysis, the board voted to increase fees.
2. Actual revenue increases may vary based on renewal, inactive, and reactivation applications
3. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 209.319 to 209.339, RSMo. Pursuant to section 209.328, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 209.328, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the division for administering the provisions of sections 209.319 to 209.339, RSMo.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted that has been changed from the text contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments that are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

TITLE 2 – DEPARTMENT OF AGRICULTURE
Division 30 – Animal Health
Chapter 10 – Food Safety and Meat Inspection

ORDER OF RULEMAKING

By the authority vested in the Animal Health Division under section 265.020, RSMo 2016, the division amends a rule as follows:

2 CSR 30-10.010 Inspection of Meat and Poultry **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2024 (49 MoReg 397). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 500 – Office of Adult Learning and Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092, 178.600, 178.610, and 178.620, RSMo 2016, the board amends a rule as follows:

5 CSR 20-500.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2024 (49 MoReg 336-337). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education (department), received one (1) comment.

COMMENT #1: The Office of Adult Learning and Rehabilitation Services, in reviewing this proposed regulation, recommends further clarification of the definition of "Student with a Disability" in section (6).

RESPONSE AND EXPLANATION OF CHANGE: The department has revised section (6) as recommended.

5 CSR 20-500.120 Definitions

(6) Student with a disability. An individual with a disability who –

(A) Is in a secondary, postsecondary, or other recognized education program;

(B) Is not younger than age fourteen (14) and is not older than twenty-one (21); and

(C) Is eligible for and receiving special education or related services under an individualized education program or is a student with a disability for purposes of Section 504.

TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 500 – Office of Adult Learning and Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092, 178.600, 178.610, and 178.620, RSMo 2016, the board amends a rule as follows:

5 CSR 20-500.140 Minimum Standards **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2024 (49 MoReg 337). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 500 – Office of Adult Learning and Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092, 178.600, 178.610, and 178.620, RSMo 2016, the board amends a rule as follows:

5 CSR 20-500.150 Eligibility **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2024 (49 MoReg 337-338). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 5 – DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20 – Division of Learning Services
Chapter 500 – Office of Adult Learning and Rehabilitation Services

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092, 178.600, 178.610, and 178.620, RSMo 2016, the board amends a rule as follows:

5 CSR 20-500.160 Order of Selection for Services **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2024 (49 MoReg 338-340). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT
Division 10 – Commissioner of Higher Education
Chapter 5 – Regulation of Proprietary Schools

ORDER OF RULEMAKING

By the authority vested in the Department of Higher Education and Workforce Development under sections 173.600–173.619, RSMo 2016 and Supp. 2023, the department rescinds a rule as follows:

6 CSR 10-5.010 Rules for Certification of Proprietary Schools **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15 2024 (49 MoReg 540-541). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT
Division 10 – Commissioner of Higher Education
Chapter 5 – Regulation of Proprietary Schools

ORDER OF RULEMAKING

By the authority vested in the Department of Higher Education and Workforce Development under sections 173.600–173.619, RSMo 2016 and RSMo Supp. 2023, the department adopts a rule as follows:

6 CSR 10-5.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2024 (49 MoReg 541-554). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Higher Education and Workforce Development (MDHEWD) received three (3) comments on the proposed rule.

COMMENT #1: Department staff suggested removing "of" after "under" in (3)(A)3.
RESPONSE AND EXPLANATION OF CHANGE: MDHEWD supports this change.

COMMENT #2: In (8)(F)1.C., department staff suggested adding "shall" after "sites."
RESPONSE AND EXPLANATION OF CHANGE: MDHEWD supports this change.

COMMENT #3: In (8)(F)2.B., department staff suggested adding "may" after "franchisee."
RESPONSE AND EXPLANATION OF CHANGE: MDHEWD supports this change.

6 CSR 10-5.010 Rules for Certification of Proprietary Schools

(3) Exemption.

(A) Schools That Shall Be Exempt by Statute. The following schools, training programs, and courses of instruction shall be exempt from the provisions of sections 173.600 to 173.619, RSMo, and formal application for that exemption is waived:

1. A public institution;

2. Any college or university represented directly or indirectly on the advisory committee of the Coordinating Board as provided in section 173.005.3, RSMo;

3. An institution that is certified by the board as an "approved private institution" under subdivision (2) section 173.1102, RSMo; and

4. A not-for-profit religious school that is accredited by the Association of Biblical Higher Education, the

Association of Theological Schools, or one (1) of the following recognized institutional accrediting agencies: Higher Learning Commission, Middle States Commission on Higher Education, New England Board of Higher Education, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on Colleges, the Accrediting Commission for Community and Junior Colleges-Western Association of Schools and Colleges (WASC), or the WASC Senior College and University Commission.

(8) Operating Standards.

(F) Scope of Certificate of Approval.

1. Branch campuses and extension sites of Missouri schools.

A. Application for a certificate of approval to operate a branch campus shall be made by and through a location designated as the main campus of a school indigenous to Missouri.

B. All certificates of approval to operate a branch campus shall specify the instructional locations and program(s) of instruction for which the certificate is valid.

C. Approval to operate locations as extension sites shall be extended from the certificate of a main or branch campus.

D. If the certificate of approval to operate a main campus or any of its branches or extensions is denied, revoked, suspended, or placed in a status of probation, such action may be deemed by the department to apply to all locations of the school in Missouri.

2. Franchises of Missouri schools.

A. All locations at which instruction is proposed to be offered by a franchisee of a franchisor approved to operate shall be deemed a location within the scope of such franchisor's approval, provided that the franchisor provides the course curriculum and guidelines for teaching at each location and that a single location is identified as the principal facility for record keeping.

B. Denial, revocation, or suspension of certificates of approval to operate for a franchisor shall be deemed to apply to all franchisee locations. The certification of an individual franchisee may be denied, revoked, suspended, or placed in a status of probation for just cause.

3. Changes in physical location.

A. The department must be notified at least thirty (30) days prior to the effective date of proposed changes in or additions to the location(s) of the school operations.

B. Such changes shall not be effective except on review and authorization by the department.

C. As a condition of authorization for the implementation of changes and additions of location under the school's certificate to operate, accredited schools must provide written documentation of the approval of such changes by the accrediting association.

4. Programmatic additions, discontinuances, and revisions.

A. The school must submit non-substantive program name or CIP code changes to the department at least thirty (30) days prior to the effective date of such changes. Changes to tuition, fees, and/or costs of books and supplies may be submitted at any time.

B. Substantive revisions to existing programs of instruction and the initiation of proposed new program offerings must be submitted electronically for review by the department. The school must demonstrate that revised and additional programs are in compliance with certification standards, as described in this rule, in order for these programs to be approved for inclusion within the scope of the certificate of approval. Such changes shall not be effective except on authorization by the department.

C. As a condition of authorization for the implementation of programmatic changes under the school's certificate to operate, accredited schools must provide written documentation of the approval of such changes by the accrediting association.

D. Schools must submit a complete proposal for a new program to the department at least ninety (90) days prior to implementation. Incomplete proposals will be reverted without review. A complete proposal must include at least the following, as prescribed by the department:

(I) A complete new program request;

(II) All new program attachments in support of the request; and

(III) Payment of any required fees.

E. Schools must submit a complete proposal for a program change to the department at least sixty (60) days prior to implementation. Incomplete proposals will be reverted without review. A complete proposal must include at least the following, as prescribed by the department:

(I) A complete program change request;

(II) All program change request attachments in support of the request; and

(III) Payment of any required fees.

F. Upon receipt of a complete proposal for a new program or a substantive change to an existing program, the department will acknowledge the official date of receipt through the online workflow system.

G. The department must provide the school with a written response to a complete proposal for a new program within ninety (90) calendar days or a substantive change to an existing program within sixty (60) calendar days. The response may notify the school of final approval, tentative approval, or additional information that must be submitted to complete the review. If the response is not provided within the required time frame, the school may offer the program until the department completes its review and identifies a substantive issue or issues that need correction.

H. Upon notification by the department of substantive issues, the school will then have ninety (90) days from that notice to correct identified deficiencies without ceasing to offer the program. The school must cease offering the new or revised program if it fails to make the required corrections within the ninety- (90-) day time period.

5. Continuing education.

A. Certified schools may offer continuing education upon approval by the department and payment of a fee. Branch campuses and extension sites will be approved to offer the same continuing education as the main campus. Fees will be charged to the main campus only.

B. Certified schools may consolidate all qualifying continuing education offerings on the official program inventory under the title "Continuing Education." Schools are required to submit to the department a list of all continuing education to be offered during the upcoming certification period and pay an annual fee. Failure to submit a list of continuing education with the annual fee may result in denial of approval to offer continuing education for the next certification period for all Missouri locations of the school.

C. Certified schools holding recognized accreditation must provide documentation verifying either approval of the continuing education or documentation from the accrediting agency indicating the school is not required to obtain approval as the continuing education is outside the scope of accreditation.

D. Certified schools must disclose in school publications the continuing education is not offered for academic credit and may not be accepted in transfer to another postsecondary institution.

(I) Accredited schools must disclose in school publications if the continuing education is not within the scope of accreditation.

(II) School publications must include all pertinent policy disclosures, costs, and any equipment or technological requirements for participation in continuing education.

E. Continuing education offered by certified schools at no cost to the student, including employer-sponsored instruction or training available only to employees, is not required to be included on the annual program inventory submitted to the department.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 60 – Licensing of Foster Family Homes

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Children's Division, under sections 207.020, 210.506, and 660.017, RSMo 2016, the division rescinds a rule as follows:

13 CSR 35-60.040 Physical and Environmental Standards **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 15, 2024 (49 MoReg 400). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 60 – Licensing of Foster Family Homes

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Children's Division, under section 210.506, RSMo 2016, the division adopts a rule as follows:

13 CSR 35-60.040 Physical and Environmental Standards **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2024 (49 MoReg 400-402). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 60 – Licensing of Foster Family Homes

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Children's Division, under sections 207.020, 210.506, and 660.017, RSMo 2016, the division rescinds a rule as follows:

13 CSR 35-60.050 Care of Children **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2024 (49 MoReg 353-354). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 60 – Licensing of Foster Family Homes

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Children's Division, under sections 207.020 and 210.506, RSMo 2016, the division adopts a rule as follows:

13 CSR 35-60.050 Care of Children **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2024 (49 MoReg 354-356). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 71 – Rules for Residential Treatment Agencies for Children and Youth

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Children's Division, under sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2023, the division rescinds a rule as follows:

13 CSR 35-71.020 Basic Residential Treatment for Children and Youth Core Requirements (Applicable To All Agencies) – Basis for Licensure and Licensing Procedures **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2024 (49 MoReg 356). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication

in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 35 – Children's Division
Chapter 71 – Rules for Residential Care Facilities for Children

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Children's Division, under sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2023, the division adopts a rule as follows:

13 CSR 35-71.020 License Application, Renewal, and Monitoring **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2024 (49 MoReg 356-358). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 10 – Nursing Home Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.159, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-10.020 Prospective Reimbursement Plan for Nursing Facility and HIV Nursing Facility Services **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2024 (49 MoReg 486-491). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 10 – Nursing Home Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.159, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. 2023, the division amends a rule as follows:

13 CSR 70-10.120 Reimbursement for Nurse Assistant Training **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2024 (49 MoReg 492-494). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 15 – Hospital Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.158, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. 2023, the division amends a rule as follows:

13 CSR 70-15.220 Disproportionate Share Hospital (DSH) Payments **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2024 (49 MoReg 358-359). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 13 – DEPARTMENT OF SOCIAL SERVICES
Division 70 – MO HealthNet Division
Chapter 20 – Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201, 338.505, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-20.320 Pharmacy Reimbursement Allowance **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2024 (49 MoReg 495-496). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure

Chapter 1 – Controlled Substances

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 195.080, RSMo Supp. 2023, and section 195.195, RSMo 2016, the department amends a rule as follows:

19 CSR 30-1.064 Partial Filling of Controlled Substance Prescriptions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2024 (49 MoReg 497-498). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 40 – Comprehensive Emergency Medical Services Systems Regulations

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 190.109 and 190.185, RSMo 2016, and section 190.142, RSMo Supp. 2023, the department adopts a rule as follows:

19 CSR 30-40.810 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2024 (49 MoReg 498-499). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: The department received one (1) letter with seven (7) comments on the proposed rule.

COMMENT #1: Jane Drummond, General Counsel and Senior Vice President of Governmental Relations for the Missouri Hospital Association, requests the department remove the following language from paragraph (2)(A)3.: "...if patients require a level of care that only hospitals can provide. This includes transporting behavioral health patients to hospitals who present with a likelihood of serious harm to themselves or others as the term "likelihood of serious harm" is defined under section 632.005, RSMo, or who present as significantly incapacitated by alcohol or drugs;" Ms. Drummond suggests that references to Behavioral Health Crisis Centers (BHCCs) and behavioral health patients should be removed since this proposed rule is not specific to behavioral health patients. Ms. Drummond also suggests the department should create behavioral health transport protocols like the department's time-critical diagnosis transport protocols.
RESPONSE: The department intended the proposed rule to address the transport of all patients, including behavioral health patients. The department has included BHCCs specifically throughout the proposed rule to highlight these new centers and to encourage licensed ground ambulance services to consider transport to these new centers. The department appreciates the suggestion regarding a behavioral health transport protocol and the department will explore this suggestion in the future. The department believes it is important to include the language regarding transporting patients, including behavioral health patients, to hospitals if that level of care is needed. Emergency medical services (EMS) can place patients, who meet specific criteria, on temporary holds for transport under section 190.147, RSMo. BHCCs and other community providers have limited resources and staff to handle patients. The goal is for the ground ambulance services to work with the BHCCs and other community providers to determine the types of patients that the providers can receive from licensed ground ambulance services. Patients who require a hospital level of care and who need the services that only a hospital can provide should be transported to a hospital to ensure that the patients receive the care that the patients require. No changes have been made to the rule as a result of this comment.

COMMENT #2: Jane Drummond, General Counsel and Senior Vice President of Governmental Relations for the Missouri Hospital Association, requests the department remove the references to BHCCs in paragraph (2)(A)4. Ms. Drummond also requests the department add the word "care" to the last sentence in paragraph (2)(A)4.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees to add the word "care" to the last sentence of paragraph (2)(A)4. As stated in comment #1, the department has included BHCCs specifically throughout the proposed rule to highlight these new centers and to encourage licensed ground ambulance services to consider transport to these new centers.

COMMENT #3: Jane Drummond, General Counsel and Senior Vice President of Governmental Relations for the Missouri Hospital Association, requests the department remove the following language from paragraph (2)(A)5.: "...which are separate from the main hospital, when the patients require a hospital level of care, or when the patients do not require a hospital level of care and require a lesser level of care. Patients shall be transported to the emergency department located in the main hospital when the patients require a hospital level of care." Ms. Drummond states this language can be confused with rural emergency hospitals, which have emergency departments without the capability of inpatient care.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees to make this change in paragraph (2)(A)5. by removing the language.

COMMENT #4: Jane Drummond, General Counsel and Senior Vice President of Governmental Relations for the Missouri Hospital Association, requests the department to change the entirety of paragraph (2)(A)6. to the following: "Nothing in this regulation supersedes local or statewide transport protocols or approved community or regional emergency medical services (EMS) transport protocols."
RESPONSE AND EXPLANATION OF CHANGE: The department agrees to make this change in paragraph (2)(A)6. However, the department will keep the references to the appropriate regulations.

COMMENT #5: Jane Drummond, General Counsel and Senior Vice President of Governmental Relations for the Missouri

Hospital Association, requests the department to make it clear in subsection (2)(A) that under the federal Emergency Medical Treatment and Labor Act (EMTALA) law that hospital-owned ground ambulance services should transport to hospitals. The only exception to the EMTALA law is for approved community-wide protocol in which the hospital that owns the service participates.
RESPONSE AND EXPLANATION OF CHANGE: The department agrees to make this change in subsection (2)(A) and have hospital-owned licensed ground ambulance services work with their hospitals and legal counsel to ensure that they are following the federal EMTALA law regarding where to transport patients.

COMMENT #6: Jane Drummond, General Counsel and Senior Vice President of Governmental Relations for the Missouri Hospital Association, comments that subsection (2)(C) should be included with all other behavioral health related requirements or references to BHCCs and set forth distinct sections to address behavioral health transport to locations other than a hospital. Ms. Drummond also suggests that the department should create a behavioral health transport protocol like the department's time-critical diagnosis transport protocols.
RESPONSE: The department appreciates the suggestion regarding a behavioral health transport protocol and the department will explore this suggestion in the future. The department intended the proposed rule to address the transport of all patients, including behavioral health patients. The department has included BHCCs specifically throughout the proposed rule to highlight these new centers and to encourage licensed ground ambulance services to consider transport to these new centers. The department intended to keep this rule broad, so that licensed ground ambulance services can individually determine which types of patients and which locations/entities, other than hospitals, that licensed ground ambulance services develop a relationship with and transport patients. No changes have been made to the rule as a result of this comment.

COMMENT #7: Jane Drummond, General Counsel and Senior Vice President of Governmental Relations for the Missouri Hospital Association, comments that subsection (2)(D) should also state as follows: "Community or regional EMS transportation protocols for transport to a BHCC shall be approved by the regional EMS medical director and the director of the department."
RESPONSE AND EXPLANTION OF CHANGE: The department agrees to make this change in subsection (2)(D). However, section 190.200, RSMo, and 19 CSR 30-40.770 only involve community or regional plans for transporting trauma, stroke, and STEMI patients. Also, 19 CSR 30-40.770 requires the EMS medical director's advisory committee to approve the community or regional plan instead of the regional EMS medical director.

COMMENT #8: Staff noticed a grammatical error in paragraph (2)(A)3. and believes the phrase "to hospitals" should occur after "transporting."
RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has made this change.

19 CSR 30-40.810 Ground Ambulance Transport of Patients to Locations That Are Not Hospitals

(2) Transport of patients to locations that are not hospitals, following a request for emergency care.

(A) Hospital-owned or operated ground ambulance services should communicate with their hospitals and legal counsel about their ability to transport to locations that are not hospitals based on the federal Emergency Medical Treatment and Labor Act (EMTALA) law. Hospital-owned or operated ground ambulance services are required to transport patients according to EMTALA laws. Ground ambulance services may transport patients to locations that are not hospitals, such as BHCCs in Missouri, following a request for emergency care:

1. Ground ambulance services shall have written transportation protocols that allow ground ambulance services to transport to locations that are not hospitals, such as BHCCs in Missouri; or

2. Licensed emergency medical services personnel for ground ambulance services shall receive physician orders for approval to transport patients to locations that are not hospitals, such as BHCCs in Missouri;

3. Ground ambulance services shall transport patients to hospitals if patients require a level of care that only the hospitals can provide. This includes transporting to hospitals behavioral health patients who present with a likelihood of serious harm to themselves or others as the term "likelihood of serious harm" is defined under section 632.005, RSMo, or who present as significantly incapacitated by alcohol or drugs;

4. Ground ambulance services shall have a working relationship with the BHCCs and other providers of locations that they transport patients to that are not hospitals. Ground ambulance services shall understand the care that BHCCs and these other providers are able to give to patients, so patients are transported to an appropriate location in which the provider can provide the care and services that the patients require;

5. Ground ambulance services shall not transport patients to freestanding emergency departments unlicensed by the department; and

6. Nothing in this regulation supersedes local or statewide transport protocols in 19 CSR 30-40.790 and 19 CSR 30-40.792 or approved community or regional emergency medical services (EMS) transport protocols as allowed in 19 CSR 30-40.770.

(D) Written transportation and medical protocols set forth in subsections (2)(A) and (2)(B) shall be approved by the medical director of the service. Community or regional EMS transportation protocols for transport to a trauma, stroke, or STEMI center shall also be approved by the EMS medical director's advisory committee, and the director of the department pursuant to 19 CSR 30-40.770.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 400 – Life, Annuities and Health
Chapter 5 – Advertising and Material Disclosures

ORDER OF RULEMAKING

By the authority vested in the Director of the Missouri Department of Commerce and Insurance under sections 374.045, 375.020, 375.141, 375.143, 375.144, 375.934, 375.936, and 375.948, RSMo 2016, the director amends a rule as follows:

20 CSR 400-5.900 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register*

on February 15, 2024 (49 MoReg 285-295). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 20, 2024, and the public comment period ended on March 20, 2024. The department received ten (10) comments on the proposed amendment.

COMMENT #1: Kim O'Brien, on behalf of the Federation of Americans for Consumer Choice (FACC), commented that they applaud the department's actions to adopt the latest changes to the National Association of Insurance Commissioners' (NAIC) Model Regulation #275. They noted that the work the department has done with the rule is important to ensuring uniformity and consistency across multiple jurisdictions, which makes implementation more cost effective and beneficial to consumers. O'Brien also commented that FACC appreciated that the department's proposed amendment follows the changes in the NAIC Model Regulation and noted that FACC's support is based on the expectation that the final regulation will likewise follow the changes in the NAIC Model.
RESPONSE: The Missouri Department of Commerce and Insurance appreciates these comments from FACC. No changes have been made to the rule as a result of this comment.

COMMENT #2: Sara Wood, on behalf of the Insured Retirement Institute (IRI), commented that they are pleased to support the proposed amendments and that this regulation is an important enhancement to the standard that applies when producers recommend annuities to their clients.
RESPONSE: The Missouri Department of Commerce and Insurance appreciates these comments from IRI. No changes have been made to the rule as a result of this comment.

COMMENT #3: Sara Wood, on behalf of the Insured Retirement Institute (IRI), commented that 20 CSR 400-5.900(2) and 20 CSR 400-5.900(3) both appear to be missing a subsection (A). Melissa Young, on behalf of the American Council of Life Insurers (ACLI), suggested adding a subsection (A) to 20 CSR 400-5.900(2) and 20 CSR 400-5.900(3).
RESPONSE: The Missouri Department of Commerce and Insurance appreciates these comments from IRI and ACLI. The Secretary of State's *Missouri State Rulemaking Manual* notes that "only the section(s) and subsection(s) that are being amended need to be included in the proposed amendment." (*Rulemaking Manual*, 2023, page 25). There were no amendments to subsection (A) in either instance; therefore, no changes have been made to the rule as a result of this comment.

COMMENT #4: Sara Wood, on behalf of the Insured Retirement Institute (IRI), noted that past amendments to this model have provided six (6) months for implementation in order to allow companies to come into compliance. IRI recommended moving the effective date to January 1, 2025. Melissa Young, on behalf of the American Council of Life Insurers (ACLI), also stated that past amendments to this Model Regulation have provided six (6) months for implementation and they believe the same time period would be appropriate.
RESPONSE AND EXPLANATION OF CHANGE: The Missouri Department of Commerce and Insurance appreciates these comments from IRI and ACLI. The department notes that Missouri is the 46th state to adopt this model, and the model has been adopted in every state that surrounds Missouri. The department does not find the arguments of IRI and ACLI to move the effective date to January 1, 2025, to be compelling in this case, when almost every other state has already adopted and implemented this rule. However, in an effort to align the training requirement timelines with the effective date of the amendments to the rule, the department is changing the date to August 30, 2024.

COMMENT #5: Sara Wood, on behalf of the Insured Retirement Institute (IRI), commented that in response to some confusion in other states where this rule has previously been adopted, it has drafted a chart outlining the training requirements.
RESPONSE: The Missouri Department of Commerce and Insurance appreciates these comments from IRI and the inclusion of the chart for reference. No changes have been made to the rule as a result of this comment.

COMMENT #6: Melissa Young, on behalf of the American Council of Life Insurers (ACLI), commended the department for closely aligning the proposed amendment with the updated Model Regulation and commented the proposed amendments will further the goal of uniform adoption of the revised Model Regulation as expeditiously as possible across all the states.
RESPONSE: The Missouri Department of Commerce and Insurance appreciates the comments from ACLI. No changes have been made to the rule as a result of this comment.

COMMENT #7: Melissa Young, on behalf of the American Council of Life Insurers (ACLI), commented that the proposed amendment will require financial professionals to act in the best interests of annuity purchasers, and to not put their own financial interests ahead of the consumer's interests. It will require financial professionals to provide user-friendly disclosures to consumers and help them make informed decisions while preserving access to financial advice and products.
RESPONSE: The Missouri Department of Commerce and Insurance appreciates the comments from ACLI. No changes have been made to the rule as a result of this comment.

COMMENT #8: Melissa Young, on behalf of the American Council of Life Insurers (ACLI), commented that there should be a punctuation change at 20 CSR 400-5.900(4)(A)2.B.II. by inserting a semicolon and the word "and" and removing the period.
RESPONSE: The Missouri Department of Commerce and Insurance appreciates the comment from ACLI. The department is following the style guidelines of the Missouri Secretary of State's Office in the promulgation of this rule. No changes have been made to the rule as a result of this comment.

COMMENT #9: Melissa Young, on behalf of the American Council of Life Insurers (ACLI), commented that there should be a punctuation change at 20 CSR 400-5.900(4)(A)4.C., by removing the "; and" and replacing it with a period.
RESPONSE. The Missouri Department of Commerce and Insurance appreciates the comment from ACLI. The department is following the style guidelines of the Missouri Secretary of State's Office in the promulgation of this rule. No changes have been made to the rule as a result of this comment.

COMMENT #10: Melissa Young, on behalf of the American Council of Life Insurers (ACLI), commented that 20 CSR 400-5.900(5)(B)2. should be further revised to remove the phrase "on or" in the second sentence of the paragraph. ACLI asserts this change would ensure that all producers who have a license on the effective date would have additional time to complete required training.
RESPONSE: The Missouri Department of Commerce and Insurance disagrees with ACLI's comment, noting the first sentence

of the paragraph explicitly gives producers who hold a life insurance life of authority on the effective date of the rule six (6) months after the rule becomes effective to complete required training. No changes have been made to the rule as a result of this comment.

20 CSR 400-5.900 Suitability in Annuity Transactions

(5) Producer Training

(G) A producer who has completed an annuity training course approved by the department prior to August 30, 2024, shall, within six (6) months after August 30, 2024, complete either –

1. A new four- (4-) credit training course approved by the department after August 30, 2024; or

2. An additional one- (1-) time one (1) credit training course approved by the department and provided by the department-approved education provider on appropriate sales practices, replacement, and disclosure requirements under this amended rule.

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE
Division 2010 – Missouri State Board of Accountancy
Chapter 4 – Continuing Education Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under section 326.271, RSMo 2016, the board amends a rule as follows:

20 CSR 2010-4.020 Qualifying Programs **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2024 (49 MoReg 499). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60 – Missouri Health Facilities Review Committee
Chapter 50 – Certificate of Need Program

NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for September 9, 2024. These applications are available for public inspection at the address shown below.

Date Filed
Project Number: Project Name
City (County)
Cost, Description

6/27/24

#6110 RS: Mill Creek Village-Assisted Living by Americare
Columbia (Boone County)
$0, Add 9 ALF beds

#6099 NS: St. Louis Altenheim
St. Louis (St. Louis City)
$1,150,000, Add 46 SNF beds

6/28/24

#6120 HS: Hannibal Regional Hospital
Kirksville (Adair County)
$6,986,291, Acquire a linear accelerator

#6122 RS: The Grand Royale
Gladstone (Clay County)
$25,000, Add 52 ALF beds

#6101 HS: Boone Health
Columbia (Boone County)
$5,072,000, Acquire two additional robotic surgery units

#6119 RS: Friendship Village Assisted Living & Memory Care
St. Louis (St. Louis County)
$8,095,719, Add 28 ALF beds

#6123 HS: St. Louis Children's Hospital/KVC Mental Wellness Campus
St. Louis (St. Louis County)
$66,640,170, Establish 77-bed pediatric psychiatric hospital

#6125 HS: Saint Luke's Radiation Therapy - Liberty, LLC
Kansas City (Platte County)
$1,674,364, Relocate linear accelerator

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 1, 2024. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
920 Wildwood Drive
PO Box 570
Jefferson City, MO 65102

For additional information, contact Alison Dorge at alison.dorge@health.mo.gov.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST RICHMOND ROLLINS, LLC

On June 4, 2024, RICHMOND ROLLINS, LLC, Charter Number LC1224528, filed its notice of winding up with the Missouri Secretary of State. Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to:

Attorney at Law, Chinnery Evans & Nail, P.C.
c/o Gayle Evans
800 NE Vanderbilt Lane
Lee's Summit, Missouri 64064

All claims must include the following information:

1) Name and current address of the claimant;
2) The amount claimed;
3) The clear and concise statement of the facts supporting the claim; and
4) The date the claim was incurred.

NOTICE: Because of the winding up of RICHMOND ROLLINS, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of the three notices authorized by statute, whichever is published last.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST TGP SOLAR INVESTMENTS, LLC

TGP Solar Investments, LLC (the "Company") filed a Notice of Winding Up with the Missouri Secretary of State on May 29, 2024. Pursuant to Section 347.141 of the Missouri Limited Liability Company Act, any claims against the Company must be sent to:

Shane Parr
4900 Main Street, Suite 900
Kansas City, MO 64112

Claims submitted must include the following information:

1) Claimant name, address and phone number;
2) Name of debtor;
3) Account or other number by which the debtor may identify the claimant;
4) A brief description of the nature of the debt or the basis of the claim;
5) The amount of the claim;
6) The date the claim was incurred; and
7) Supporting documentation for the claim, if any.

NOTICE: A CLAIM AGAINST THE LIMITED LIABILITY COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST BURNS TRACTOR LEASING, INC

On June 4, 2024, BURNS TRACTOR LEASING, INC., a Missouri corporation, Charter Number 00170984, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. All persons or organizations having claims against BURNS TRACTOR LEASING, INC., are required to present them immediately in writing to:

Gayle Evans, Attorney at Law
CHINNERY EVANS & NAIL, P.C.
800 NE Vanderbilt Lane
Lee's Summit, MO 64064

Each claim must contain the following information:

1) Name and current address of the claimant;
2) A clear and concise statement of the facts supporting the claim;
3) The date the claim was incurred; and
4) The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST BURNS TRACTOR LEASING, INC. WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST CHARLIE G., LLC

On May 30, 2024, Charlie G. LLC Charter Number LC0957978, filed its notice of winding up with the Missouri Secretary of State. Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to:

The Company
c/o Elizabeth S. Lynch, Attorney at Law
Chinnery Evans & Nail, P.C.
800 NE Vanderbilt Lane
Lee's Summit, Missouri 64064

All claims must include the following information:

1) Name and current address of the claimant;
2) The amount claimed;
3) The clear and concise statement of the facts supporting the claim; and
4) The date the claim was incurred.

NOTICE: CLAIMS AGAINST Charlie G. LLC WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST C&C MANAGEMENT OF ST. FRANCOIS COUNTY, LLC

On February 27, 2024, C&C Management of St. Francois County LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State. Any claims against the Company may be sent to:

Cynthia Cole
1515 East Malone Avenue
Sikeston, Missouri 63801

Each claim must include the following information:

1) Name, address and phone number of the claimant;
2) Amount claimed;
3) Date on which the claim arose;
4) The basis for the claim; and
5) Documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS AGAINST BGI CRYSTAL & PERSHING HOLDING COMPANY, LLC

BGI Crystal & Pershing Holding Company, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State on June 10, 2024. Any and all claims against BGI Crystal & Pershing Holding Company, LLC may be sent to:

Alexander H. Kuehling
7733 Forsyth Blvd, Ste 400
Saint Louis, MO 63105

Each claim should include the following information:

1) The name, address and telephone number of the claimant;
2) The amount of the claim;
3) The basis of the claim; and
4) The date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against BGI Crystal & Pershing Holding Company, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST HARD CORNER, LLC

The members of the HARD CORNER LLC, a Missouri limited liability company (the "Company"), authorized the dissolution of the Company on May 13, 2024. The Company requests that all persons with claims against the Company present them must be mailed to:

Hard Corner LLC
c/o Cheryl A. Kelly, Esq.
Thompson Coburn LLP
One US Bank Plaza
Suite 2700
St. Louis, MO 63101

In order to file a claim with the Company, you must furnish in writing:

1) Your name, address, phone number and email address;
2) The amount of the claim;
3) A brief description of the basis for the claim;
4) The date on which the event giving rise to the claim occurred; and
5) All necessary documentation supporting the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of publication of this notice.

NOTICE TO CREDITORS AND CLAIMANTS OF WORKHEALTH SOLUTIONS, LLC

WorkHealth Solutions, LLC, a Missouri limited liability company (the "Company") has dissolved and is in the process of winding up its affairs. On June 3, 2024, the Company filed a Notice of Winding Up with the Missouri Secretary of State pursuant to RSMo. Section 347.137. All claims against the Company should be presented in accordance with this notice. Claims should be in writing and sent to the Company at this mailing address:

WorkHealth Solutions, LLC
c/o Raghavendra Adiga, M.D.
2525 Glenn Hendren Dr
Liberty, MO 64068

The claim must contain:

1) the name, address and telephone number of the claimants;
2) the amount of the claim or other relief demanded;
3) the basis of the claim and any documents related to the claim; and
4) the date(s) as of which the event(s) on which the claim is based occurred.

Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST DIAGNOSTIC CARDIOLOGY SERVICES, LTD

Effective May 1, 2024, DIAGNOSTIC CARDIOLOGY SERVICES, LTD., a Missouri corporation (the "Corporation"), the principal office of which is located at 11125 Dunn Rd., Suite 204, Saint Louis, MO 63136-6188, was voluntarily dissolved. All claims against the Corporation should be presented in accordance with this notice. Claims should be in writing and sent to the Corporation at this mailing address:

11125 Dunn Rd., Suite 204
Saint Louis, MO 63136-6188
Attn: Saad Bitar, M.D.

The claim must contain:

1) The name, address and telephone number of the claimants;
2) The amount of the claim or other relief demanded;
3) The basis of the claim and any documents related to the claim; and
4) The date(s) as of which the event(s) on which the claim is based occurred.

Any and all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST CAMP P82, INC

Effective April 24, 2024, CAMP P82, INC., a Missouri not for profit corporation (the "Corporation"), the principal office of which is located at 434 S. Summit Drive, Holts Summit, MO 65043-1434, was voluntarily dissolved.
All claims against the Corporation should be presented in accordance with this notice. Claims should be in writing and sent to the Corporation at this mailing address:

434 S. Summit Drive
Holts Summit, MO 65043-1434
Attn: Cory Casey

The claim must contain:

1) The name, address and telephone number of the claimants;
2) The amount of the claim or other relief demanded;
3) The basis of the claim and any documents related to the claim; and
4) The date(s) as of which the event(s) on which the claim is based occurred.

Any and all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST GLOBAL PRODUCTS, INC

Effective April 10, 2024, GLOBAL PRODUCTS, INC., a Missouri corporation (the "Corporation"), the principal office of which is located at 600 Mason Ridge Center Drive, St. Louis, MO 63141, was voluntarily dissolved.
All claims against the Corporation should be presented in accordance with this notice. Claims should be in writing and sent to the Corporation at this mailing address:

7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
Attn: Michael Kaplan

The claim must contain:

1) The name, address and telephone number of the claimants;
2) The amount of the claim or other relief demanded;
3) The basis of the claim and any documents related to the claim; and
4) The date(s) as of which the event(s) on which the claim is based occurred.

Any and all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY LIBBY-WATERMAN, LLC

To all creditors and claimants against Libby-Waterman, LLC on May 16, 2024, Libby-Waterman, LLC a Missouri Limited Liability Company (hereinafter the “Company”), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Any claims against the Company may be sent to:

Gillespie, Hetlage & Coughlin, LLC
Attn: W. Laird Hetlage
120 South Central Avenue, Suite 650
Clayton, Missouri 63105

Each claim must include the following information:

1) Name, address, and telephone number of the claimant;
2) The amount of the claim;
3) The date on which the claim arose;
4) The basis for the claim; and
5) Any and all documentation in support of the claim.

All claims against the Company will be barred, unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year – 48 (2023) and 49 (2024). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				47 MoReg 1457
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-1.020	Animal Health		49 MoReg 272	49 MoReg 912	
2 CSR 30-10.010	Animal Health	49 MoReg 395	49 MoReg 397	This Issue	
2 CSR 70-25.005	Plant Industries		49 MoReg 848		
2 CSR 70-25.010	Plant Industries		49 MoReg 848		
2 CSR 70-25.020	Plant Industries		49 MoReg 850		
2 CSR 70-25.030	Plant Industries		49 MoReg 851		
2 CSR 70-25.050	Plant Industries		49 MoReg 851		
2 CSR 70-25.060	Plant Industries		49 MoReg 852		
2 CSR 70-25.070	Plant Industries		49 MoReg 853		
2 CSR 70-25.080	Plant Industries		49 MoReg 854		
2 CSR 70-25.090	Plant Industries		49 MoReg 854		
2 CSR 70-25.100	Plant Industries		49 MoReg 855		
2 CSR 70-25.110	Plant Industries		49 MoReg 857		
2 CSR 70-25.120	Plant Industries		49 MoReg 864		
2 CSR 70-25.130	Plant Industries		49 MoReg 865		
2 CSR 70-25.140	Plant Industries		49 MoReg 866		
2 CSR 70-25.150	Plant Industries		49 MoReg 866		
2 CSR 70-25.153	Plant Industries		49 MoReg 870		
2 CSR 70-25.156	Plant Industries		49 MoReg 871		
2 CSR 70-25.160	Plant Industries		49 MoReg 873R		
2 CSR 70-25.170	Plant Industries		49 MoReg 873		
2 CSR 70-25.180	Plant Industries		49 MoReg 873		
2 CSR 80-5.010	State Milk Board		48 MoReg 2276	49 MoReg 652	
2 CSR 90-10.011	Weights, Measures and Consumer Protection		49 MoReg 874		
2 CSR 90-10.012	Weights, Measures and Consumer Protection		49 MoReg 874		
2 CSR 90-10.020	Weights, Measures and Consumer Protection		49 MoReg 875		
2 CSR 90-10.040	Weights, Measures and Consumer Protection		49 MoReg 876		
2 CSR 90-36.005	Weights, Measures and Consumer Protection		49 MoReg 603		
2 CSR 90-36.010	Weights, Measures and Consumer Protection		49 MoReg 604		
2 CSR 90-36.015	Weights, Measures and Consumer Protection		49 MoReg 605		
2 CSR 100-14.010	Missouri Agricultural and Small Business Development Authority		49 MoReg 329	49 MoReg 824	
2 CSR 110-4.010	Office of the Director	49 MoReg 263	49 MoReg 272	49 MoReg 912	
2 CSR 110-4.020	Office of the Director	49 MoReg 263	49 MoReg 273	49 MoReg 912	
2 CSR 110-4.040	Office of the Director	49 MoReg 264	49 MoReg 273	49 MoReg 913	
2 CSR 110-4.050	Office of the Director	49 MoReg 265	49 MoReg 274	49 MoReg 913	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.113	Conservation Commission		49 MoReg 448	49 MoReg 1008	
3 CSR 10-4.117	Conservation Commission		49 MoReg 452	49 MoReg 1008	
3 CSR 10-5.205	Conservation Commission		49 MoReg 452	49 MoReg 1008	
3 CSR 10-5.210	Conservation Commission		49 MoReg 731		
3 CSR 10-5.215	Conservation Commission		49 MoReg 452	49 MoReg 1009	
3 CSR 10-5.360	Conservation Commission		49 MoReg 138	49 MoReg 743	
3 CSR 10-5.365	Conservation Commission		49 MoReg 140	49 MoReg 743	
3 CSR 10-5.430	Conservation Commission		49 MoReg 955		
3 CSR 10-5.435	Conservation Commission		49 MoReg 957		
3 CSR 10-5.440	Conservation Commission		49 MoReg 959		
3 CSR 10-5.445	Conservation Commission		49 MoReg 961		
3 CSR 10-5.540	Conservation Commission		49 MoReg 963		
3 CSR 10-5.545	Conservation Commission		49 MoReg 965		
3 CSR 10-5.551	Conservation Commission		49 MoReg 967		
3 CSR 10-5.552	Conservation Commission		49 MoReg 969		
3 CSR 10-5.554	Conservation Commission		49 MoReg 971		
3 CSR 10-5.559	Conservation Commission		49 MoReg 973		
3 CSR 10-5.560	Conservation Commission		49 MoReg 140 49 MoReg 973	49 MoReg 744	
3 CSR 10-5.565	Conservation Commission		49 MoReg 142 49 MoReg 975	49 MoReg 744	
3 CSR 10-5.567	Conservation Commission		49 MoReg 977		
3 CSR 10-5.570	Conservation Commission		49 MoReg 979		
3 CSR 10-5.576	Conservation Commission		49 MoReg 981		
3 CSR 10-5.579	Conservation Commission		49 MoReg 142 49 MoReg 983	49 MoReg 745	
3 CSR 10-5.580	Conservation Commission		49 MoReg 142 49 MoReg 985	49 MoReg 745	
3 CSR 10-5.605	Conservation Commission		49 MoReg 987		
3 CSR 10-5.800	Conservation Commission		49 MoReg 453	49 MoReg 1009	
3 CSR 10-5.805	Conservation Commission		49 MoReg 455	49 MoReg 1009	
3 CSR 10-6.415	Conservation Commission		49 MoReg 457	49 MoReg 1009	
3 CSR 10-7.410	Conservation Commission		49 MoReg 457	49 MoReg 1009	
3 CSR 10-7.431	Conservation Commission		49 MoReg 458	49 MoReg 1010	
3 CSR 10-7.433	Conservation Commission			49 MoReg 1010	

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
3 CSR 10-7.435	Conservation Commission			49 MoReg 1011	
3 CSR 10-7.437	Conservation Commission			49 MoReg 1011	
3 CSR 10-7.440	Conservation Commission			49 MoReg 746	
3 CSR 10-7.455	Conservation Commission			49 MoReg 747	
3 CSR 10-7.700	Conservation Commission		49 MoReg 458	49 MoReg 1012	
3 CSR 10-7.705	Conservation Commission			49 MoReg 748	
3 CSR 10-7.710	Conservation Commission			49 MoReg 748	
3 CSR 10-7.900	Conservation Commission		49 MoReg 793	49 MoReg 749	
3 CSR 10-7.905	Conservation Commission			49 MoReg 749	
3 CSR 10-10.705	Conservation Commission		49 MoReg 459	49 MoReg 1012	
3 CSR 10-10.707	Conservation Commission		49 MoReg 459	49 MoReg 1012	
3 CSR 10-10.708	Conservation Commission		49 MoReg 462	49 MoReg 1012	
3 CSR 10-10.800	Conservation Commission		49 MoReg 464	49 MoReg 1012	
3 CSR 10-10.805	Conservation Commission		49 MoReg 466	49 MoReg 1012	
3 CSR 10-10.810	Conservation Commission		49 MoReg 468	49 MoReg 1013	
3 CSR 10-11.130	Conservation Commission		49 MoReg 471	49 MoReg 1013	
3 CSR 10-11.155	Conservation Commission		49 MoReg 471	49 MoReg 1013	
3 CSR 10-20.805	Conservation Commission		49 MoReg 471	49 MoReg 1014	
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 20-100.110	Division of Learning Service		49 MoReg 731		
5 CSR 20-200.180	Division of Learning Services		49 MoReg 876		
5 CSR 20-400.385	Division of Learning Services		49 MoReg 539		
5 CSR 20-400.540	Division of Learning Services		49 MoReg 540		
5 CSR 20-400.580	Division of Learning Services		49 MoReg 276	49 MoReg 914	
5 CSR 20-400.610	Division of Learning Services		49 MoReg 877		
5 CSR 20-400.650	Division of Learning Services		49 MoReg 879		
5 CSR 20-400.660	Division of Learning Services		49 MoReg 880		
5 CSR 20-400.670	Division of Learning Services		49 MoReg 882		
5 CSR 20-500.120	Division of Learning Services		49 MoReg 336	This Issue	
5 CSR 20-500.130	Division of Learning Services		This Issue		
5 CSR 20-500.140	Division of Learning Services		49 MoReg 337	This Issue	
5 CSR 20-500.150	Division of Learning Services		49 MoReg 337	This Issue	
5 CSR 20-500.160	Division of Learning Services		49 MoReg 338	This Issue	
5 CSR 20-500.170	Division of Learning Services		This Issue		
5 CSR 20-500.180	Division of Learning Services		This Issue		
5 CSR 20-500.190	Division of Learning Services		This Issue		
5 CSR 20-500.200	Division of Learning Services		This Issue		
5 CSR 25-100.340	Office of Childhood	49 MoReg 81	49 MoReg 89	49 MoReg 749	
5 CSR 30-660.090	Division of Financial and Administrative Services		49 MoReg 607R		
	DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT				
6 CSR 10-1.010	Commissioner of Higher Education		49 MoReg 735		
6 CSR 10-5.010	Commissioner of Higher Education		49 MoReg 540R 49 MoReg 541	This Issue R This Issue	
6 CSR 10-9.010	Commissioner of Higher Education		48 MoReg 2276	49 MoReg 753	
	MISSOURI DEPARTMENT OF TRANSPORTATION				
7 CSR 10-25.030	Missouri Highways and Transportation Commission		49 MoReg 89	49 MoReg 914	
7 CSR 10-25.060	Missouri Highways and Transportation Commission		49 MoReg 90	49 MoReg 914	
7 CSR 10-25.071	Missouri Highways and Transportation Commission		49 MoReg 90	49 MoReg 915	
7 CSR 10-25.072	Missouri Highways and Transportation Commission		49 MoReg 91	49 MoReg 915	
7 CSR 10-25.073	Missouri Highways and Transportation Commission		49 MoReg 91	49 MoReg 915	
7 CSR 60-2.010	Highway Safety and Traffic Division		49 MoReg 276	49 MoReg 1015	
7 CSR 60-2.030	Highway Safety and Traffic Division		49 MoReg 278	49 MoReg 1016	
7 CSR 60-2.040	Highway Safety and Traffic Division		49 MoReg 279	49 MoReg 1017	
7 CSR 60-2.050	Highway Safety and Traffic Division		49 MoReg 279	49 MoReg 1017	
7 CSR 60-2.060	Highway Safety and Traffic Division		49 MoReg 280	49 MoReg 1018	
7 CSR 265-10.015	Motor Carrier and Railroad Safety		49 MoReg 91	49 MoReg 915	
7 CSR 265-10.030	Motor Carrier and Railroad Safety		49 MoReg 92	49 MoReg 915	
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 30-2.020	Division of Labor Standards		49 MoReg 146	49 MoReg 753	
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-7.030	Director, Department of Mental Health		49 MoReg 555		
9 CSR 30-3.160	Certification Standards		49 MoReg 5R	49 MoReg 652R	
9 CSR 45-7.010	Division of Developmental Disabilities	49 MoReg 943	49 MoReg 477		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-6.060	Director's Office		This Issue		
10 CSR 10-6.065	Director's Office		This Issue		
10 CSR 10-6.110	Director's Office		This Issue		
10 CSR 10-6.241	Director's Office		This Issue		
10 CSR 10-6.250	Director's Office		This Issue		
10 CSR 10-6.255	Director's Office		This Issue		
10 CSR 20-6.030	Clean Water Commission		This Issue		
10 CSR 20-8.130	Clean Water Commission		This Issue		
10 CSR 20-8.200	Clean Water Commission		This Issue		
10 CSR 23-1.010	Well Installation		49 MoReg 607		
10 CSR 23-1.140	Well Installation		49 MoReg 608		
10 CSR 23-3.030	Well Installation		49 MoReg 608		
10 CSR 23-3.050	Well Installation		49 MoReg 612		
10 CSR 23-3.080	Well Installation		49 MoReg 612		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
10 CSR 23-3.090	Well Installation		49 MoReg 615		
10 CSR 23-3.110	Well Installation		49 MoReg 631		
10 CSR 23-4.060	Well Installation		49 MoReg 632		
10 CSR 23-5.050	Well Installation		49 MoReg 633		
10 CSR 25-7	Hazardous Waste Management Commission				49 MoReg 654
10 CSR 40-10.025	Missouri Mining Commission		49 MoReg 884		
10 CSR 60-10.040	Safe Drinking Water Commission		49 MoReg 558		
10 CSR 140-2.020	Division of Energy				49 MoReg 825
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 30-1.010	Office of the Director		49 MoReg 987		
11 CSR 30-8.010	Office of the Director		49 MoReg 987R		
11 CSR 30-8.020	Office of the Director		49 MoReg 988R		
11 CSR 30-8.030	Office of the Director		49 MoReg 988R		
11 CSR 30-8.040	Office of the Director		49 MoReg 988R		
11 CSR 30-19.010	Office of the Director		49 MoReg 988		
11 CSR 70-2.010	Division of Alcohol and Tobacco Control	49 MoReg 601	49 MoReg 154	49 MoReg 915	
11 CSR 70-2.020	Division of Alcohol and Tobacco Control	49 MoReg 601	49 MoReg 154	49 MoReg 916	
11 CSR 70-2.130	Division of Alcohol and Tobacco Control		49 MoReg 155	49 MoReg 1018	
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		49 MoReg 156	49 MoReg 1019	
11 CSR 70-2.190	Division of Alcohol and Tobacco Control		49 MoReg 156	49 MoReg 1019W	
11 CSR 90-4.010	Missouri 911 Service Board		49 MoReg 793		
11 CSR 90-4.020	Missouri 911 Service Board		49 MoReg 794		
11 CSR 90-4.030	Missouri 911 Service Board		49 MoReg 794		
11 CSR 90-4.040	Missouri 911 Service Board		49 MoReg 794		
11 CSR 90-4.050	Missouri 911 Service Board		49 MoReg 795		
11 CSR 90-4.060	Missouri 911 Service Board		49 MoReg 795		
11 CSR 90-4.080	Missouri 911 Service Board		49 MoReg 796		
11 CSR 90-4.090	Missouri 911 Service Board		49 MoReg 796		
11 CSR 90-4.100	Missouri 911 Service Board		49 MoReg 796		
11 CSR 90-4.150	Missouri 911 Service Board		49 MoReg 797		
	DEPARTMENT OF REVENUE				
12 CSR 10-2.015	Director of Revenue		48 MoReg 2277	49 MoReg 652	
12 CSR 10-2.030	Director of Revenue		49 MoReg 157	49 MoReg 916	
12 CSR 10-2.150	Director of Revenue		49 MoReg 559		
12 CSR 10-2.155	Director of Revenue		49 MoReg 887		
12 CSR 10-2.165	Director of Revenue		49 MoReg 340		
12 CSR 10-2.190	Director of Revenue		49 MoReg 342		
12 CSR 10-2.240	Director of Revenue		49 MoReg 158	49 MoReg 916	
12 CSR 10-2.710	Director of Revenue		49 MoReg 160	49 MoReg 916	
12 CSR 10-2.730	Director of Revenue		49 MoReg 397		
12 CSR 10-2.740	Director of Revenue		49 MoReg 345		
12 CSR 10-4.622	Director of Revenue		49 MoReg 398R		
12 CSR 10-10.135	Director of Revenue		49 MoReg 162R	49 MoReg 917R	
12 CSR 10-10.140	Director of Revenue		49 MoReg 486		
12 CSR 10-23.160	Director of Revenue *moved to 12 CSR 10-26.221*		49 MoReg 280	49 MoReg 1019	
12 CSR 10-23.420	Director of Revenue		48 MoReg 2287	49 MoReg 653	
12 CSR 10-23.465	Director of Revenue *moved to 12 CSR 10-26.021*		49 MoReg 281	49 MoReg 917	
12 CSR 10-23.475	Director of Revenue		49 MoReg 398		
12 CSR 10-24.060	Director of Revenue		49 MoReg 888		
12 CSR 10-24.160	Director of Revenue		49 MoReg 281		
12 CSR 10-24.190	Director of Revenue		49 MoReg 282		
12 CSR 10-24.200	Director of Revenue		49 MoReg 637		
12 CSR 10-24.325	Director of Revenue		49 MoReg 736		
12 CSR 10-24.330	Director of Revenue		48 MoReg 1544	49 MoReg 101	
12 CSR 10-24.340	Director of Revenue		49 MoReg 353		
12 CSR 10-24.350	Director of Revenue		49 MoReg 283		
12 CSR 10-24.390	Director of Revenue		49 MoReg 736		
12 CSR 10-24.402	Director of Revenue		49 MoReg 737		
12 CSR 10-24.405	Director of Revenue		49 MoReg 738		
12 CSR 10-24.420	Director of Revenue		49 MoReg 888		
12 CSR 10-24.430	Director of Revenue		49 MoReg 738		
12 CSR 10-24.440	Director of Revenue		49 MoReg 637R		
12 CSR 10-24.480	Director of Revenue		49 MoReg 739		
12 CSR 10-25.140	Director of Revenue		49 MoReg 399		
12 CSR 10-26.020	Director of Revenue		49 MoReg 283		
12 CSR 10-26.021	Director of Revenue *formerly 12 CSR 10-23.465*		49 MoReg 281	49 MoReg 917	
12 CSR 10-26.120	Director of Revenue		49 MoReg 284		
12 CSR 10-26.221	Director of Revenue *formerly 12 CSR 10-23.160*		49 MoReg 280	49 MoReg 1019	
12 CSR 10-26.231	Director of Revenue	49 MoReg 395	49 MoReg 400		
12 CSR 10-41.040	Director of Revenue		49 MoReg 284R		
12 CSR 10-44.010	Director of Revenue		49 MoReg 162	49 MoReg 917	
12 CSR 10-44.100	Director of Revenue		49 MoReg 162	49 MoReg 917	
12 CSR 10-400.200	Director of Revenue		49 MoReg 353R		
12 CSR 30-4.010	State Tax Commission		49 MoReg 163	49 MoReg 753	
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 35-38.010	Children's Division	This Issue	This Issue		
13 CSR 35-60.040	Children's Division	48 MoReg 1673	49 MoReg 400R 49 MoReg 400	This Issue R This Issue	

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
13 CSR 35-60.050	Children's Division	48 MoReg 1674	49 MoReg 353R 49 MoReg 354	This Issue R This Issue	
13 CSR 35-71.015	Children's Division		49 MoReg 798		
13 CSR 35-71.020	Children's Division	48 MoReg 1675	49 MoReg 356R 49 MoReg 356	This Issue R This Issue	
13 CSR 35-71.045	Children's Division	48 MoReg 1676	49 MoReg 560R 49 MoReg 560		
13 CSR 35-71.300	Children's Division		49 MoReg 802		
13 CSR 40-100.020	Family Support Division		This Issue		
13 CSR 70-1.010	MO HealthNet Division		This Issue		
13 CSR 70-3.200	MO HealthNet Division		49 MoReg 638		
13 CSR 70-3.320	MO HealthNet Division		49 MoReg 804		
13 CSR 70-8.020	MO HealthNet Division		49 MoReg 989		
13 CSR 70-10.020	MO HealthNet Division	49 MoReg 435	49 MoReg 486	This Issue	
13 CSR 70-10.120	MO HealthNet Division	49 MoReg 441	49 MoReg 492	This Issue	
13 CSR 70-15.220	MO HealthNet Division		49 MoReg 358	This Issue	
13 CSR 70-20.320	MO HealthNet Division		49 MoReg 495	This Issue	
13 CSR 70-25.160	MO HealthNet Division		49 MoReg 638		
13 CSR 70-94.030	MO HealthNet Division	49 MoReg 785	49 MoReg 810		
13 CSR 70-98.020	MO HealthNet Division		49 MoReg 888R		
	ELECTED OFFICIALS				
15 CSR 30-3.005	Secretary of State		49 MoReg 5	49 MoReg 753	
15 CSR 30-3.020	Secretary of State		49 MoReg 5	49 MoReg 754	
15 CSR 30-3.030	Secretary of State		49 MoReg 6	49 MoReg 754	
15 CSR 30-3.040	Secretary of State		49 MoReg 7	49 MoReg 754	
15 CSR 30-3.050	Secretary of State		49 MoReg 7	49 MoReg 754	
15 CSR 30-4.010	Secretary of State		49 MoReg 8	49 MoReg 754	
15 CSR 30-7.020	Secretary of State		49 MoReg 8R	49 MoReg 755W	
15 CSR 30-8.010	Secretary of State		49 MoReg 9	49 MoReg 755	
15 CSR 30-9.010	Secretary of State		49 MoReg 9R	49 MoReg 755R	
15 CSR 30-9.020	Secretary of State		49 MoReg 9	49 MoReg 755	
15 CSR 30-10.010	Secretary of State		49 MoReg 10	49 MoReg 755	
15 CSR 30-10.020	Secretary of State		49 MoReg 11	49 MoReg 755	
15 CSR 30-10.025	Secretary of State		49 MoReg 12	49 MoReg 756	
15 CSR 30-10.030	Secretary of State		49 MoReg 13	49 MoReg 756	
15 CSR 30-10.040	Secretary of State		49 MoReg 15	49 MoReg 756	
15 CSR 30-10.050	Secretary of State		49 MoReg 15	49 MoReg 756	
15 CSR 30-10.060	Secretary of State		49 MoReg 16	49 MoReg 756	
15 CSR 30-10.080	Secretary of State		49 MoReg 16	49 MoReg 756	
15 CSR 30-10.090	Secretary of State		49 MoReg 20	49 MoReg 757	
15 CSR 30-10.110	Secretary of State		49 MoReg 20	49 MoReg 757	
15 CSR 30-10.120	Secretary of State		49 MoReg 21	49 MoReg 757	
15 CSR 30-10.130	Secretary of State		49 MoReg 22R	49 MoReg 757R	
15 CSR 30-10.140	Secretary of State		49 MoReg 22	49 MoReg 758	
15 CSR 30-10.150	Secretary of State		49 MoReg 23	49 MoReg 758	
15 CSR 30-10.160	Secretary of State		49 MoReg 24	49 MoReg 758	
15 CSR 30-15.010	Secretary of State		49 MoReg 24	49 MoReg 758	
15 CSR 30-15.020	Secretary of State		49 MoReg 25	49 MoReg 758	
15 CSR 30-15.030	Secretary of State		49 MoReg 25	49 MoReg 758	
	RETIREMENT SYSTEMS				
16 CSR 10-5.010	The Public School Retirement System of Missouri		49 MoReg 359	49 MoReg 1020	
16 CSR 10-6.060	The Public School Retirement System of Missouri		49 MoReg 360	49 MoReg 1020	
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20 CSR 4240-2.115	Public Service Commission		49 MoReg 651		
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2 CSR 30-10.010	Inspection of Meat and Poultry	49 MoReg 395	Feb. 29, 2024	Aug. 26, 2024
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2 CSR 110-4.010	Who Shall Register	49 MoReg 263	Jan. 24, 2024	July 21, 2024
2 CSR 110-4.020	Interest Defined	49 MoReg 263	Jan. 24, 2024	July 21, 2024
2 CSR 110-4.040	Procedure for Filing	49 MoReg 264	Jan. 24, 2024	July 21, 2024
2 CSR 110-4.050	Process for Approval	49 MoReg 265	Jan. 24, 2024	July 21, 2024
Department of Mental Health				
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9 CSR 45-7.010	Developmental Disabilities Health Home	49 MoReg 943	July 1, 2024	Aug. 30, 2024
Department of Public Safety				
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11 CSR 70-2.010	Definitions	49 MoReg 601	April 5, 2024	Jan. 15, 2025
11 CSR 70-2.020	Application for License	49 MoReg 601	April 5, 2024	Jan. 15, 2025
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12 CSR 10-26.231	Maximum Dealer Administrative Fees	49 MoReg 395	Feb. 23, 2024	Aug. 20, 2024
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13 CSR 70-10.120	Reimbursement for Nurse Assistant Training	49 MoReg 441	March 11, 2024	Sept. 6, 2024
13 CSR 70-94.030	Transformation of Rural Community Health (ToRCH)	49 MoReg 785	May 6, 2024	Nov. 1, 2024
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19 CSR 30-40.810	Ground Ambulance Transport of Patients to Locations That Are Not Hospitals	49 MoReg 444	March 11, 2024	Sept. 6, 2024
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20 CSR 2200-6.030	Intravenous Infusion Treatment Administration by Qualified Practical Nurses; Supervision by a Registered Professional Nurse	49 MoReg 268	Jan. 22, 2024	July 19, 2024
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20 CSR 2231-2.010	Designation of License Renewal Dates and Related Application and Renewal Information	49 MoReg 133	Feb. 15, 2024	Aug. 12, 2024
Missouri State Committee of Interpreters				
20 CSR 2232-1.040	Fees	This Issue	Sept. 1, 2024	Jan. 31, 2025

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
	2024		
24-09	Orders executive branch state offices closed on Friday, July 5, 2024	July 1, 2024	Next Issue
24-08	Extends Executive Order 24-06 and the State of Emergency until July 31, 2024	June 26, 2024	Next Issue
24-07	Extends Executive Order 23-06 and the State of Emergency until June 30, 2024	May 30, 2024	49 MoReg 954
24-06	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe storm systems	May 2, 2024	49 MoReg 847
24-05	Extends Executive Order 23-05 to address drought-response efforts until September 1, 2024	April 26, 2024	49 MoReg 792
24-04	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 29, 2024	49 MoReg 447
24-03	Declares a State of Emergency and declares Missouri will implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Texas to provide support with border operations	February 20, 2024	49 MoReg 446
24-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted winter storm systems	January 11, 2024	49 MoReg 270
24-01	Orders the Dept. of Agriculture to establish rules regarding acquisitions of agricultural land by foreign businesses	January 2, 2024	49 MoReg 136
	2023		
23-10	Extends Executive Order 23-05 to address drought-response efforts until May 1, 2024	November 17, 2023	48 MoReg 2267
23-09	Orders state offices to be closed on Friday, November 24, 2023	November 9, 2023	48 MoReg 2149
23-08	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe storm systems	August 5, 2023	48 MoReg 1684
23-07	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	July 28, 2023	48 MoReg 1595
23-06	Rescinds Executive Order 17-20	June 29, 2023	48 MoReg 1423
23-05	Declares drought alerts for 60 Missouri counties in accordance with the Missouri Drought Mitigation and Response Plan	May 31, 2023	48 MoReg 1179
23-04	Designates members of the governor's staff as having supervisory authority over each department, division, or agency of state government	April 14, 2023	48 MoReg 911
23-03	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems	March 31, 2023	48 MoReg 795
23-02	Extends Executive Order 22-08, the State of Emergency, and waivers until February 28, 2023	January 24, 2023	48 MoReg 433
23-01	Orders the commencement of the Missourians Aging with Dignity Initiative, with directives to support all citizens as they age	January 19, 2023	48 MoReg 431

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ADMINISTRATIVE RULES

RULEMAKING MANUAL
2023

JOHN R. ASHCROFT SECRETARY OF STATE

Rulemaking Classes

Are you new to rulemaking or in need of a refresher course to assist you in filing rules or understanding the rulemaking process?

The Administrative Rules Division offers group and individual classes for rule drafting and preparation of rule packets. Please call Curtis at (573) 751-2022 or email curtis.treat@sos.mo.gov to schedule a class.

We offer both in-person and virtual classes.

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